

Africa Digest

SEPTEMBER–OCTOBER 1958

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AFRICA



DIGEST

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CENTRAL AFRICA The Federation

Preparations for 1960

MR. WINSTON FIELD (Dominion Party) called on the Federal Government to convene a conference of political parties and representatives of African interests in the Federal House, to arrive at a definite plan for the future of the Federation to be presented at the 1960 constitutional talks. Speaking in the Federal Assembly he said that during a visit to London in 1956 when he had talked with certain cabinet ministers and Members of Parliament, including some Labour leaders, he had realized that no matter what Government was in authority in Britain when these talks took place it was not going to be easy for the Federation to attain independence.

Mr. Field denied that his Party wanted to unscramble the Federation and added: "It is our earnest intention to make Federation succeed and I believe that it can only succeed if we get independence within a reasonable period, and the easiest way for the Prime Minister to be convinced of our earnest intentions in this direction is to call a conference such as we are asking for." He also denied that a Dominion Party Government would be prepared "to surrender control of certain parts of the Federation to the Colonial Office. This again is absolutely incorrect, and again the reverse is the case. Any plans that we may have are definitely designed to end Colonial Office interference in our affairs at the first possible opportunity."

The House must be certain that it had the necessary two-thirds majority, after the 1960 conference, whether it is successful or not, to pass any constitutional amendments which may be necessary. "This will have a tremendous effect on any British Government of whatever political colour if they know that there is an agreed plan which is subscribed to by most of us here, and there will, in fact, be a two-thirds majority automatically; and I contend that it would be a bold British Government that would present a blank wall of refusal to our requests." Mr. Field added: "I do not believe that the average Britisher or Englishman is particularly interested in our affairs, and if he was, I cannot see what right he has to interfere."

Dr. Alexander Scott (Constitution Party) said "the little party" with which he was associated could not possibly attend such a conference because they knew it would be absolutely useless. He said: "We realize there can be no possibility of a compromise whatsoever, so that we think we can gain nothing from such a Conference."

The Prime Minister said the Federal Party which he leads was confident that it could present a case in 1960 that will achieve independence for the Federation. He believed that if the responsibility for negotiating for independence lay with the Dominion Party "they would first of all try and get independence for the whole of the Federation but if they failed they would fall back on their second line of defence and that is the proposal . . . which would result in the breaking up of the Federation and the hiving off of Nyasaland and Barotseland as protectorates. He described the Dominion Party's policy as a policy of despair and a policy of scuttle. He continued: "the Federal Government's . . . aim is to gain complete independence for the Federation, within the Commonwealth, in the shortest possible time. . . . There is to be a Constitution review; it is now due in

1960. Now the whole purpose of that conference is to see what progress can be made towards the development of full self government here. . . .

"We go forward in 1960 bearing in mind that the British Government is a Government committed to advancing the various parts of the Commonwealth, which have not yet achieved independence, on to independence. I do not go there believing the British Government is coming along to fight me whether it is a Tory or a Socialist Government."

Mr. Manoah Chirwa (Nyasaland African Member) said he had hoped that the Prime Minister would tell the House that there could be no independence unless all the inhabitants desired it, but it appeared that the Prime Minister had no respect for the Constitution whatsoever. (*Federal Hansard*, July 1, 1958.)

Dominion Party Congress

The Dominion Party congress passed a resolution that the Party should do all in its power to ensure that any changes in the constitution of Northern Rhodesia should be the subject of a referendum.

Mr. Guy van Eeden (Dominion Party) said the changes in Nyasaland and those now proposed for Northern Rhodesia¹ were breaches of the contract of federation. When Southern Rhodesia voted for federation at the 1953 referendum, the voters believed the contract for which they were voting would endure until the Federal Constitution itself was reviewed in 1960. Mr. Winston Field, Federal president of the Party, said he would raise the question of the Northern Rhodesia changes in the Federal Parliament and call on the Government to make strong representations to the British Government against the implementation of the changes.

Mr. Field said that the Dominion Party did not intend to introduce bi-lingualism and that it had no plans for seeking to make the Federation a fifth province of South Africa.

The Congress elected an African, Mr. I. H. Samuriwa, to its Federal Central Executive, and it approved resolutions to further the interests of this section of the population. Delegates agreed that the term "African" should replace that of "Native" in its printed policies; that the Party stood for the economic advancement of the African; and that African women should be trained to enter domestic service. (*Federation Newsletter*, July 30, 1958.)

In a "Declaration of Independence" the Party stated that if negotiations for independence with the British Government in 1960 fail and a national referendum favoured it, the Dominion Party—if returned to power in the coming Federal General Elections—would declare a state of independence within the British Commonwealth. Such a declaration would exclude Nyasaland and Barotseland unless these territories wished to be included. In the event of their exclusion protectorate status would continue under joint Federal and British control. (*Rand Daily Mail*, July 18, 1958.)

Views on Dominion Status

"The importance of dominion status has, I think, been grossly exaggerated" said Lord Malvern, former Prime Minister of the Federation, in an interview in Salisbury. "It is important" he said, "but we're managing quite well without it at the moment. Everybody's at sixes and sevens about what it means. There are two schools of thought—one which thinks the Federation cannot have sovereignty while the northern territories are in a

¹DIGEST V, 6 and VI, 1.

lower state of political development, the others who think the Federation could be sovereign while the territories remain sovereign in certain ways. I should never have recommended to the people here that we have Federation if I had thought that each of the three territories had to be entirely sovereign for the Federated State to be sovereign. There's no federation in the world where the Federal Government can interfere with the sovereign rights of its component parts—mark the rights of the States in the United States". (*Federal Newsletter*, August 8, 1958.)

Mr. R. S. Garfield Todd, speaking to a multi-racial audience, said the United Rhodesia Party was keen that the Federation has dominion status because it will not only mean autonomy here at home but membership to bodies like the United Nations and being full members of the British Commonwealth of Nations. But the U.R.P. maintained that the acquisition of dominion status should be preceded by the creation of a sense of trust among all racial groups inhabiting the Federation.

"A Note On Dominion Status" by Sir Roy Welensky has been circulated in Britain by the Federal Information Attaché. In this Note, Sir Roy said:

"The term 'Dominion status' is really out of date and belongs to a past era. In the Statute of Westminster, in 1931, it was applied to Canada, Australia, New Zealand, South Africa, the Irish Free State and Newfoundland. This Statute conferred on these nations the legal attributes of Dominion status, namely nationhood independent of the mother country but in association with her under the Crown. Since 1931 there have been many changes in the membership of the Commonwealth. Newfoundland has lost her independence to become a Province of Canada; the Irish Free State as Eire has seceded and India, Pakistan, Ceylon, Ghana and Malaya have been added to the list of members. In recent years the term Dominion status has been thought to convey a misleading impression of the status of the nations concerned, if not to imply subordination to the United Kingdom, and the term is therefore in disuse except in certain quarters in the Federation. . . .

"In our own Constitution, the Preamble makes reference to the Federation's going forward in confidence towards 'attainment of full membership of the Commonwealth'. Before I go on to talk about the meaning of Dominion status (by whichever name it is called) it might be as well to dispel some common misapprehensions.

"Dominion status connotes independence; it is not a matter of the form of any particular Government—that is, whether it be a unitary or a federal state . . .

"Dominion status would mean, certainly, that we would be independent; but we could be just as independent whether the form of government is that of a Federation, a Union, a communist state or a dictatorship. After all, Canada and Australia are Federations with a multiplicity of Prime Ministers or Premiers, Governors and Governments. . . .

"What does the conferment of Dominion status carry with it? It appears that a country which has full Dominion status has the right to decide its own destiny. The various Commonwealth countries which have this status must possess one fundamental element. They must be equal in status to the United Kingdom and in no way subordinate to the United Kingdom in any aspect of domestic or external affairs. In the case of Malaya there is a special arrangement with the United Kingdom about the conduct of external affairs. It goes without saying also that they recognize Her Majesty as head of the Commonwealth, and they are fully associated as Members of the Commonwealth.

"It appears also that any of these Dominions (or full members of the Commonwealth) may secede from the Commonwealth by unilateral action. Incidentally it may be of interest to note that the component provinces, states or territories of member nations are not only incompetent to secede by their own action but have no *locus standi* to request the United Kingdom Parliament to enact legislation for the purpose of enabling them to secede either from the Commonwealth or from the member nation of which they form a constituent part.

"A question frequently asked is: 'How do we acquire Dominion status?' To answer this, it is necessary to explain that there are two essential steps.

"First, there is the granting of responsible self-government. This is a matter only for the United Kingdom, who can grant us complete self-

government any time they wish. Secondly, there is election by the existing members of the Commonwealth. The mere fact that the United Kingdom has granted us self-government would not mean that we gained Dominion status or full membership of the Commonwealth automatically. The consent of the other members of the Commonwealth is necessary before a new member can be admitted. This is why it is so incredible that anyone can be so naïve as to think that the Federation could by unilateral action declare itself independent within the Commonwealth. Whether we are to be admitted as a full member of the Commonwealth or not is for the existing members of the Commonwealth to say.

"I have said earlier that the essential requirement for attaining Dominion status is that the aspiring country shall not be subordinate in any way to any other member. When we are considering our own position, we have to analyse the ways in which we are at present subordinate to the United Kingdom Government. We are subordinate in all the ways in which the older Dominions used to be subordinate to the United Kingdom Government as follows:—

"1. Whereas the United Kingdom and all the full members of the Commonwealth can adopt whatever form of the Royal Style and Title best suits their own particular circumstances, we are not able to do so.

"2. The Governors-General of countries which are full members of the Commonwealth are appointed by Her Majesty acting on the advice of her ministers in the country concerned. In the Federation, the Governor-General is appointed on the advice of the United Kingdom Ministers, although the Federal Prime Minister is as a matter of courtesy consulted.

"3. The Federal Constitution contains an article which provides that Her Majesty may within twelve months disallow any law of the Federal Assembly which has been assented to by the Governor-General. It is worth mentioning that this power of disallowance even today is written into some of the Dominion Constitutions but of course it remains so much dead wood.

"4. I will not go into detail about the procedure whereby certain of our laws have to be reserved for the Queen's assent. It is sufficient to say that in certain circumstances we have to go through this procedure and, of course, in this way we are subordinate to the United Kingdom.

"5. At present we are, except in a few prescribed cases, unable to make laws which have extra-territorial effect. In other words, our laws operate only within the boundaries of the Federation. Although this might appear to be a rather legalistic point, it is, strangely enough, one of the points which could embarrass us, for example, with regard to the military forces when they go beyond our borders. On my last visit to Britain, the United Kingdom Government promised to give us this necessary power.

"6. The power of the United Kingdom Parliament to legislate for the Federation is unquestionable in law, but at the time of my visit to London in April, 1957, the United Kingdom Government made it clear that they recognize the existence of a Convention whereby they do not in practice initiate such legislation to deal with a matter within the competence of the Federal Legislature except at our request. For us to be on a basis of complete equality with the United Kingdom, however, they would need to enact some such provision as occurs in the Statute of Westminster whereby no Act of Parliament of the United Kingdom shall apply to the Federation after a certain date, unless it is expressly declared in that Act that we have requested and consented to its enactment. At the present time we are subject to the Colonial Laws Validity Act whereby our Parliament cannot enact laws repugnant to any Act of the United Kingdom Parliament which extends to the Federation. When Dominion status is attained the application of this Act to the Federation must be removed. In passing it may be noticed that this Act still applies to the constituent States in Australia.

"7. Under our Constitution the Federal Parliament cannot restrict or abolish the right of appeal, by special leave, to the Privy Council.

"8. The authority of the Federal Government in the field of foreign affairs at present is subject to a special authorization being obtained from the British Government. In international law, the United Kingdom Government is responsible for the international relations of the Federation and for these reasons there are certain matters which they cannot delegate to us.

"Throughout this article I have been talking purely in relation to the

Federal Government, and I have ignored the peculiar position whereby the United Kingdom Government is ultimately responsible for Northern Rhodesia and Nyasaland and in their respective territorial spheres. How this situation would affect questions of independence and full membership of the Commonwealth it is not for me to say. We have to face the fact that full membership of the Commonwealth or being recognized as a full sovereign state depends not on us, or even the United Kingdom Government alone, but on whether other members of the Commonwealth and foreign countries choose to recognize us.

"I would end by referring to a completely new conception of Dominion status which appears to have been thought out by the Labour Party in the United Kingdom. According to my reading of their latest plans for the Commonwealth, they seem to envisage that existing non-independent countries in the Commonwealth have three alternatives before them. First, they can become full members on the lines of Ghana or Malaya. Secondly, if they are small and non-viable, they may be integrated into the United Kingdom on the lines of the Malta proposals. Thirdly, if they are small yet able to govern themselves, they would be completely self-governing internally but the United Kingdom would continue to look after their external affairs and defence. It is this last category on which the Labour Party appear to have conferred the term 'Dominion status'.

"If this is what the Labour Party considers to be Dominion status, then I suggest that the people of the Federation should start using some other term as soon as possible."

Secession Motion Rejected

The Federal Parliament rejected a motion asking it to accept the demands of the African people of Northern Rhodesia and Nyasaland that those territories should be allowed to secede from the Federation. Only the four African Members from those territories supported the motion at the final division. Mr. Dauti Yamba, (Northern Rhodesian African Member) who put forward the motion, said in his reply to the debate that the indigenous people were not fairly treated in their own country. The bitterness of the Africans' feelings against federation had grown and grown. The Africans were not anti-European, but they disliked the attitude of the Europeans, who wanted to keep their superior position for ever. This was one of the reasons they did not like federation.

Mr. Yamba said the Africans were not interested in any suggestions which threatened the connexion between the two Northern territories and the Colonial Office. The Africans welcomed the protection of the Queen which they now enjoyed, and felt that until they were strong enough to stand on their own feet and effect a very reasonable share in the running of the country, they should not lose that protection. (*Rhodesia Herald*, July 30, 1958.)

Federal Assembly Attacks Nyasaland Congress

Speaking to a motion in the Federal Assembly condemning the conduct of the Nyasaland African National Congress "in trying to inculcate in African schoolchildren a hatred of the Federation," Mr. Cullinan said "We cannot sit idly by watching the disintegration of our Federation." He said Defence was the prerogative of the Federal Government and referred to events at Chileka Airport on June 29 when Dr. Hastings Banda failed to arrive at the Airport; a large number of Africans under the African National Congress had gathered at the Airport. When Dr. Banda failed to arrive there were threats to set fire to a Viscount plane—which incidentally costs something like a million pounds—and furthermore there were songs of hate of the Federation instilled into the children there and others by the African National Congress.

"When it comes to the 1960 talks on federation and the greater status for the Federation, I hope the implications of this campaign by the African National Congress will be taken into account. The utter irresponsibility of a political organization which can use such an unconstitutional method in order to obtain their ends must really effect the attitude of the British Government. . . .

"The time has come, I honestly believe, when we cannot allow these happenings to go on. There must be a tightening up all round and particularly on the African Congress. There are ways through legislation . . .

where subversive activities can be curtailed. I believe, Mr. Speaker, that unless the African National Congress are prepared to come to heel and do the right thing by the Federation, that they should be banned from operating at all in either of the three territories."

Mr. Kumbikano (Nyasaland) opposing the motion said: "On the day that Dr. Banda was to arrive in Nyasaland I happened to be there. There was a very, very large crowd in Blantyre at Chileka Airport. The whole road between Blantyre and the airport was lined with people. . . . The very African National Congress leaders were able to stem the crowd and control it . . .

"The word of one single African National Congress leader telling these people to be quiet and behave well was sufficient. They behaved well. There was not even one single incident from Chileka Airport to the town."

Mr. Hodson asking for the acceptance of the motion said "Surely it is a most reprehensible thing to inculcate hatred among children and that is what the hon. mover of this motion is asking that we should do something about. Can there be anyone who supports the inculcation of hatred into young children? If there is no evidence of it then this motion can do no harm if the Government accepts it because if so, after further investigation the answer will come back there is no such thing."

Mr. Winston Field said that he did not think those who supported the motion had proved their case.

Sir John Moffat (Northern Rhodesian Member for African Interests) said "If hon. members have proof of the far more serious allegations which have been made during this debate—allegations of threats to murder and so on—this debate would serve a very useful purpose, but in regards to children singing anti-Federation songs, it seems to me that this motion can serve no purpose at all." He suggested that the House should take up these Territorial matters "only if three essential conditions are met; first, that the matter is one of the utmost gravity; secondly, that we are in possession of all the facts; and, thirdly, that we know that the territory will not take action without our prodding. It is my submission that without these three points any action we take is merely impertinent and in so far as this motion is concerned, nothing in it meets any of the three points which I have mentioned."

Mr. M. Hove (Southern Rhodesian African) supported the motion as did the Minister of Transport who said the Congress leaders had no control whatever over their people when they were massed together. He quoted a report from the Station Superintendent of Chileka Airport which said: "During the mobbing of the aircraft there was a complete lack of any control and definite threats were made to burn the aircraft and also that some force must be used to extract Dr. Banda from the interior of the aircraft."

Sir John Moffat's Resolution

Sir John Moffat (Member for Northern Rhodesian African Interests) proposed the following motion in the Federal Assembly on July 1, 1958 that: (1) the objective of policy in the Federation is to remove from each race the fear that the other might dominate for its own racial benefit. Until this objective can be achieved a period of transition remains during which special arrangements in the machinery of Government must be made so as to ensure that no race can use either the preponderance of its numbers or its more advanced stage of development to dominate the other for its own racial benefit; (2) Every lawful inhabitant of the Federation has the right to progress according to his character, ability and industry without distinction of race, colour or creed.

Sir John stated that it was his belief that the wording of the motion should have a wider appeal to the citizens of this Federation than any other approach and that rightly applied it was more likely to succeed than any other approach. Indeed . . . it was the only line that is likely to succeed at all.

"Our future must consist of a long series of concessions and adjustments until all existing inequalities disappear. This is I think accepted, but the degree to which Europeans and Africans can be persuaded voluntarily to make these concessions is directly linked to the degree to which these people feel themselves secure now and can see security for themselves in the future. If I feel secure, now, I can examine the ambitions and desires of my friend the hon. Mr. Yamba dispassionately and I can come to a fair

decision on them. But, if I feel insecure, then I tend to resist the wishes of my hon. friend, not because of the merits or the demerits of the views that he expresses, but because any concession to him increases my feeling of insecurity. Under these conditions, my judgement becomes warped and I start raising excuses rather than examining the hon. member's claims."

Mr. J. M. Greenfield, Minister of Law, replied on behalf of the Government. He said: "We believe that the objects that the hon. member has in mind will not really be best served by this motion". He added that he was quite without faith in the efficacy of resolutions of this nature in having any binding effect either on Africans in large groups or on Europeans in large groups.

The principal objection that the Government had to the acceptance of the motion consisted in the second part of the first numbered paragraph, which speaks about the necessity of making arrangements for the machinery of Government which will ensure that no race can use either the preponderance of its numbers or its more advanced stage of development to dominate the other for its own racial benefit. We could not accept the motion which gave no indication of what these arrangements might be. The amendment put forward by the Government read that: (1) The objective of policy in the Federation is that the different races comprising its population while preserving their identity should work together in partnership and co-operation for the establishing of a strong nation within the British Commonwealth of Nations, imbued with British ideals of character, freedom and justice; a nation in which every lawful inhabitant shall have the right to progress according to his character, ability and industry. (2) The main obstacles to the attainment of this objective consist in: (a) the wide gap between European and African cultural, educational and economic standards, and (b) the propagation of misguided African nationalism by certain so-called African leaders: (3) the removal of these obstacles entails a political system under which there are reasonable safeguards to ensure that political power is vested in the hands of responsible and civilized people representative of all races; (4) This House believes that the Citizenship Act, 1957, the Constitution Amendment Act 1957 and the Electoral Act 1958, together form a basis on which this political system can successfully be established.

The House adjourned to consider the amendment. (*Federal Hansard*, July 1, 1958.)

Mr. Doig's Resignation¹

The Church of Scotland, commenting on Mr. Doig's resignation, said that he took this action to highlight the serious position within the Federation. The statement said: "The July meeting of the Church of Scotland Foreign Mission Committee had before it Mr. Doig's resignation (though he still, of course, remains a missionary) and also statements from the Synods of Blantyre and Livingstonia concerning the unrest in Nyasaland.

"When Mr. Doig undertook this special work he hoped to act as an interpreter between the two opposing points of view in the Federal Parliament. Now the only wish of the Nyasaland Africans is to get out of the Federation, and instead of representing their interests he feels himself suspect, for there has been virtually nothing in this initial period to make the Africans feel they count, that their opinions matter, and their place is recognized.

"In the Rhodesias the African is still excluded from public buildings on grounds of race, there are no provisions for Africans to get meals on the State railway, they feel themselves discriminated against in training for specific work, and immigrants from South Africa take up semi-skilled jobs, work which the African could do. The statement from Blantyre Synod says that the good race relationships which were a reality before Federation are being destroyed.

"In 1960 there will be a conference between the Governments of the three territories and the British Government on the whole matter of the Federation. One of the greatest fears of the Africans is that the Federal Government will demand and work for Dominion Status in the near future, leaving Africans in a like position to their fellows in South Africa. There can be no doubt that the majority want Nyasaland to remain a Protectorate.

¹DIGEST VI, 1.

"There seems no easy solution to their problems, either now or in 1960, and meantime the missionaries carry out their work in an atmosphere of suspicion. The Church of Scotland is deeply concerned. The recent General Assembly set up a new committee to keep a watching brief on the whole situation; the committee is convened by the Very Rev. George F. MacLeod, who visited Africa during his term as moderator and has personal understanding of the problems." (*East Africa and Rhodesia*, August 21, 1958.)

"The Communist Threat"

In an address on "The Communist Threat to Africa" the Federal Prime Minister, Sir Roy Welensky, said that it was necessary to warn the country against the pressure which Communism was applying from outside the continent, and the threat it held to the country's established institutions and its aims and policies. "All the signs of Communism and of its activities and of its purposes are now apparent, and many of these signs can be found not only in secret or top secret documents, but clear for all to see in recent developments in Africa and in the Middle East, as well as in the public utterances of certain leaders" said Sir Roy. He had given a warning just after the Afro-Asian Solidarity Committee had been set up in Egypt. It was at that time that a Soviet spokesman showed his country's hand clearly, for all to see, and said that Russia was directly interested in the nationalist movement of Africa. He said that it was the intention of Russia to support such liberation movements and that Russia was prepared to make an unconditional offer of economic aid.

"We have all realized for some while that Russia's hand lies behind the Middle East crisis; but we did not expect to be told so clearly that Russia's hand lies behind nationalism in Africa". Sir Roy said that International Communism found it convenient in many cases to use established organizations, and above all nationalist movements, to achieve its aim of eventual Communism, and that this was particularly true of Africa. "However, I can think of no nationalist organization which would subscribe to Communist principles. Were it to do so, it would clash with the beliefs of many of its followers. Nevertheless, I cannot think of any African Nationalist organization whose activities are not in the long run preparing the way for International Communism. . . .

"Until now African Nationalism turned its eyes inwards, with the exception perhaps that it looked to some extent, and still does, to Whitehall and to the British Labour Party. Now, however, it has a new focus. Albeit slight squint its eyes look towards Accra and Cairo."

Sir Roy said that in the short term the object of International Communism was to encourage unbridled African Nationalism with a view to getting rid of Western influence in Africa. This was the very short term object, designed to put African Nationalism into power. The result fell into two categories. First an increase in the poverty and inefficiency in those states handed over to their local brand of African Nationalism, and second, again because of lack of experience, there was a tendency either towards a lack of stability in the new governments, or to the emergence of dictatorship. (*Federation Newsletter*, August 30, 1958.)

Commenting on Sir Roy's speech the *Rand Daily Mail* (August 21, 1958) said "there has been a noticeable tendency among Europeans in Africa to link Communism and African Nationalism, as though the one could not exist without the other. That is unfortunate, because it is an unrealistic way of regarding a political development in Africa which was bound to take place even if Russia had never turned its attention to this continent or Egypt turned its back on Europe. . . .

"There are leaders of African Nationalist movements who have made use of any form of propaganda which they think may advance their aims. Equally, some of the most extreme African Nationalists have disavowed Communism and resented the suggestion that, to spite Western leadership, they would tie themselves to Russia. It is wiser to take them at their word, and to treat African Nationalism at its face value. It is folly to brand agitation against the pass laws, or even demand for the vote in South Africa, or for independence in colonial states further north, as 'Communism'. It is also a form of laziness, an excuse for ignoring the real problem under our noses. African Nationalism is like any other nationalism, and it must be recognized as such. The worst thing that could happen is for the White people of this continent to use Communism as an excuse for refusing to

apply their minds to the problems that African Nationalism poses for them."

College of Citizenship

The Vice-Principal of the University College of Rhodesia and Nyasaland, Professor B. A. Fletcher, addressing the Rhodesia National Affairs Association, said a College of Citizenship must be started based on the basic principles of university life.

These principles were: Open admission, autonomy and residential community life. "If you have such colleges, then large numbers of men and women of all kinds can quickly emerge to play their part in political life. And the time factor here in Africa is of crucial importance."

There were many groups that could use such a college, Professor Fletcher said. Immigrants, who were at present taking courses at the Overseas Service College in England, housewives and domestic servants, foremen and supervisors. "If a College of Citizenship, or several colleges, are set up, their power will be that their political influence rests not on the hypnotized thinking of semi-literate voters, but on the reasoned deliberations of experienced men and women of ability."

He said the university was small, and even by 1960 it would probably only have 300 students graduating at the rate of a hundred a year. A College of Citizenship could infect with good feeling many more than this. The college would be one more attempt to translate into practical experience the idea of partnership, which, unless it was so translated, became a "word of hypocrisy". (*Rhodesia Herald*, July 12, 1958.)

Immigration

The intake of immigrants into the Federation, which was more than 24,000 in 1957 and 26,000 the year before, has dropped this year almost to its lowest level since the Federation came into being in 1953. Only 9,757 immigrants entered the Federation in the first half of 1958. In July the intake of immigrants rose slightly to just over 1,300, but unless the figures for the last five months of this year show a considerable increase on those for the first seven months, the immigration total for 1958 is likely to be at least 5,000 below last year's figure.

Lieut.-Colonel H. G. Pardey, an executive of a Salisbury employment agency has been appointed by the Federal Ministry of Home Affairs as a special immigration liaison officer. (*Rhodesia Herald*, August 20 and 21, 1958.)

Increased Maize Price

The Minister of Finance, Mr. D. Macintyre, in the course of his budget speech said he had come to the conclusion that in times such as the Federation was now facing the appropriate remedy was not to increase taxation but to reduce expenditure: to this end he had turned his attention to the provisions for subsidies. In his view there was no longer the same justification for the heavy subsidies on maize, and the Government had decided to reduce the subsidy on this commodity by 5s. per bag, which would result in a saving of approximately £925,000. This would be achieved by increasing the Grain Marketing Board's selling price of maize with effect from June 27. There was bound to be a small effect on the price of mealie meal, the burden of which would fall mainly on the employer of labour, but the Minister was sure Members would agree that very much more unpleasant measures could have been adopted to balance the Budget.

The *Rhodesia Herald* (June 28, 1958) said: "It is understood that in Southern Rhodesia the cash and credit price of a 10 lb. pack will be increased by 4d. and that the new cash price will be 2s. 11d. and the new credit price 3s. 1d. The 100 lb. bag will cost 28s. 1d. for cash and 29s. for credit against the old prices of 24s. 11d. and 25s. 10d."

"In Northern Rhodesia it is understood the 100 lb. bag will cost 29s. 3d. for cash and 30s. for credit against the old prices of 26s. 3d. and 27s. . . ."

"The increase in the price of mealie meal has hit the African community in Bulawayo severely, according to a number of African storekeepers. . . . They estimate that the average family will have to pay 5s. to 7s. 6d. more a month now for mealie meal, which is their staple food."

The decrease in the maize subsidy will mean an increase in the cost of production for dairy farmers, pig and poultry producers and to the few

who feed beef cattle. The Rhodesia National Farmers' Union is not opposed in principle to the gradual reduction of subsidies on the end product. The union, however, opposes the reduction of the milk subsidy, as this is a direct subsidy to the farmer and it is not satisfied that the new level of the subsidy is high enough to encourage milk production in a drought year. It takes about 2 lb. of maize to produce a gallon of milk, and farmers estimate that feed costs will now rise by about .6d. per gallon. The rise might later cause an increase in the price of milk. The Department of Labour has said that employers of labour who paid cash in lieu of rations were not obliged to increase allowances as there is no provision for automatic increases dependent on increased prices.

Northern Rhodesia

New Constitutional Provisions¹

A GOOD many modifications in the proposed new constitution for Northern Rhodesia have been made by the Colonial Secretary in a letter to the Governor, published in Lusaka on September 11. The most important of these may be summarized as follows:—

The ten-year deadline for achieving a common standard of voters' qualifications is removed, and a flexible formula substituted giving Africans the opportunity to set their own pace.

The certification process, by which chiefs are to grant approval of certain types of candidates in six special constituencies, is extended to all candidates.

The system of "devaluing" votes will apply to those who are "special" voters in casting their ballots in the twelve "ordinary" constituencies and in the two constituencies which will return only European members. It will not apply, however, to ordinary voters.

The Colonial Secretary proposes that as an experiment teachers should be allowed to stand for office as members of the Legislature. But if successful they will be required to resign their positions.

The number of unofficial members taking office as Ministers in the Executive Council should be increased from five to six. There should be no "assistant ministers" as proposed in the draft constitution. And while it is not desirable to specify the race of these Ministers in the constitution itself, it should be an instruction to the Governor that for the present two of them should be Africans.

Mr. Lennox-Boyd describes the proposals in their amended form as "a fair compromise between the interests of the various communities". Their merit was that they were designed to provide all men in public life with an incentive to consider the interests of the country as a whole, and of all its inhabitants, and not only the interest of people of their own race.

He concedes that the new plan offers Africans a somewhat greater increase in opportunities to take part in public affairs than the increase which is to be given to those of European race.

The *Manchester Guardian* (September 12, 1958) said: "It is possible that here the Colonial Secretary is thinking of the prospect of constitutional revision for the Rhodesian Federation as a whole, due to take place in two or three years' time, and that he hopes, by liberalizing the Northern Rhodesian constitution, to achieve the sort of political climate in which these talks may have the maximum chance of success."

Instead of the ten-year deadline for the ending of the Special Roll, it is planned that qualifications for this roll should be raised every second or third year if the number of special voters has equalled the number of ordinary voters.

A delegation consisting of the Governor, Sir Arthur Benson; the Chief Secretary, Mr. E. D. Hone; the Member for Education and Social Services, Mr. Harry Franklin; three United Federal Party Members, Mr. John Roberts, Mr. Rodney Malcomson and Mr. W. G. Dunlop; one Independent, Mr. John Gaunt; and two Africans, Mr. S. H. Chileshe and Mr. P. Sokota, flew to London for consultations with the Secretary of State for the Colonies.

The official Government Members stuck solidly behind the White

¹DIGEST V, 6.

Paper proposals, which have now been adopted with amendments by the Colonial Secretary. The African Members rejected the main principles behind the proposals and tried without success to have their scheme for parity of representation of unofficials with the Colonial Office officials holding the balance of power accepted.

The United Federal Party struggled just as ineffectively to get a greater degree of responsible government for the territory. The Independents generally backed the United Federal Party. Mr. Gaunt found no support for his plan for separate spheres of influence for Black and White within the framework of the Federation. Mr. Harry Franklin, who is a European nominated Member for Education and Social Services, was prepared to give Africans greater advancement than proposed but could not support the parity plea. (*Central African Post*, July 18, 1958.)

The Council rejected a proposal that the White Paper scheme should be put forward as a balanced plan for constitutional advance in the territory.

Commenting on the rejection of the White Paper proposals, *The Times* (July 24, 1958) said: "It is four months since the territorial Government published a White Paper outlining its proposals 'for public discussion'. Unhappily all that has been shown in this time is that there is little agreement on anything except that the proposals are unsatisfactory. . . . It is fair to say that the scheme took a definite step away from racialism, as its authors claimed. But it is also true that it was looked at with suspicion in Northern Rhodesia. Africans feared that it did nothing to reduce European domination; Europeans disliked the possibility that the Executive Council might not necessarily reflect the elected majority in the Legislative Council. The final blow to the proposals in their present form came when the Legislative Council rejected the White Paper . . ."

"Discussions in the African provincial councils last month showed that at least the proposal to get away from racial representation as soon as possible was welcomed, and this should give the constitution makers something to build on. They will know, too, that African opposition is concentrated on two of the scheme's proposals. The franchise qualifications, which are the same as those now in force in the Federation, are considered to be too high; and the demand for parity of representation has not been met. . . . The White Paper proposals would make the proportion about eight Africans to fourteen Europeans, which is, perhaps, excessively cautious. It may be that only some imaginative and generous gesture in the direction of parity in the Legislative Council (when Africans may be persuaded to drop their similar claims for the Executive Council) will now win African support for any constitution on the lines proposed—and African support is essential if partnership is to mean anything."

Mr. H. M. Nkumbula, President-General, African National Congress, drew attention to the fact that while the African M.L.C.s were asking for parity between unofficials, Congress had asked for "a more complete form of parity of representation". He wrote: "We of Congress want our African elected representatives to equal the number of elected Europeans and European officials added together. We no longer have any confidence in Colonial Office officials as the ruling voice in future legislation because of the imposition of federation on us with the consent of the British Parliament. The more recent passage of the Constitution Amendment Act and the Electoral Act, in spite of the declaration of the African Affairs Board that these were differentiating measures detrimental to African interests, has further shaken any confidence in the Colonial Office which remained among us."

"We find that an attempt is being made to read the Preamble to the Federal Constitution so that the Legislative Councils may commit Northern Rhodesia and Nyasaland to the withdrawal of their protectorate status. This is a dishonest way of determining the wishes of 'all the inhabitants' but it is a trick we must be prepared for. To stop it we must have strong African representation in the Legislative Councils in 1960." (*The Times*, July 29, 1958.)

At a press conference in London given by Mr. Nkumbula and the African M.L.C.s, Mr. Sokota and Mr. Chileshe, Mr. Nkumbula said that Africans opposed the White Paper's proposals because they were racialist, dividing the country into twelve constituencies where Europeans would predominate and six where Africans would predominate, and because the franchise qualifications were too high. "The A.N.C. has adopted 'One

man, one vote' as its slogan", Mr. Nkumbula continued. "Wherever Africans meet they greet each other with this."

Mr. Sokota said: "The people still need Colonial Office protection." He said that the African members of the Council regarded the franchise qualifications as fantastically high, but they would agree to a limited qualification, e.g., of an income of £4 or £5 a month, or of £50 a year, or of owning property worth £100.

Mr. Chileshe said that Africans must face realities and accept the fact that people of other races had the right to live in Northern Rhodesia. They had to work for a means of letting all people live together in peace and harmony, and he said it was useless to condemn the policy of the Whites in South Africa and at the same time to justify a similar policy carried out by Africans elsewhere. (*The Times* and *Manchester Guardian*, July 29, 1958.)

In the House of Commons (July 29, 1958) the Colonial Secretary told Mr. J. S. Stonehouse (Labour) that it would be necessary to advise the Queen to make constitutional instruments during the recess, in order that the Government of Northern Rhodesia might proceed with the registration of voters under the new franchise proposals to enable the holding of new elections within the time limits proposed.

Subsequently a debate was held on the adjournment of the House. Mrs. Barbara Castle (Labour) said: "It was quite clear from the Colonial Secretary's answer that he was relying on one thing—on his automatic majority in this House to railroad these proposals through anyway. He knows he can do it, and he will do it, just as he railroaded the proposal about the federal franchise, ignoring the objections of the African Affairs Board". Speaking of the methods of election proposed Mrs. Castle said: "In those constituencies designated ordinary constituencies the special votes can never count for more than one-third of the ordinary votes. Therefore, however many Africans may qualify in those constituencies, they will not be able to influence the voting beyond one-third of the ordinary or, broadly speaking, European votes."

"What are we saying to the African when we are putting forward a scheme like this and giving him lessons in democracy? We are saying, 'If you Africans are good boys and play the democratic game and you co-operate and enrol on the special roll and vote, then, when the ballot is being declared, we will open the ballot boxes and take out your votes and tear up any African votes that exceed in number one-third of the European votes'. How on earth can we imagine that the African will believe in democracy?"

Major Patrick Wall (Conservative) said: "Even though one does not pretend that these proposals are perfect, they have great advantages. They increase the number of Africans who will get the vote and, therefore, increase their political power. They increase the number of African representatives and, what is most important of all, give the African a direct say in the election of his representative, which does not happen in Northern Rhodesia today."

"At the moment the money qualification for the African voter is £200 a year, which is to be reduced to either £150 or £120 for a person who has a two-year secondary education."

Mr. Creech Jones (Labour), asked the Secretary of State to consider extending by Order in Council the life of the existing Legislative Council.

"The problems of political development in Northern Rhodesia cannot be separated altogether from the issues of the Federation itself. . . ."

"It may be that, by federation, to some extent the protected status of Northern Rhodesia has been diminished. But none the less the duty and responsibility of this country as the protecting Power, and the duty and responsibility of the Secretary of State, is strong and emphatic, even under present conditions. Therefore, I urge that it would be altogether wrong for a political system to be endorsed in which the major predominant interest in that Government is European and not the great majority of the Africans."

Mr. Creech Jones pointed out that the legislative council of Northern Rhodesia is concerned primarily with African affairs, and, therefore, the majority of the population should be adequately and properly represented on that council. He asked why there should be only one African on the Governor's Executive Council.

Mr. Lennox-Boyd in the final speech said: "No irrevocable decisions

will be arrived at until the House, if it thinks fit, has exercised its right to discuss the proposals I shall make. . . . First, final decisions on the advice tendered to Her Majesty on constitutional changes could not be reached before the House rose. Hon. Members will realize that and will also recognize that the talks have only just concluded. They will also recognize that under the Command Paper 8753 the discussions leading to federation—there has been no disguising the fact, it is there for all to see—have been laid down. As to Amendments on the territorial constitutions, the existing machinery and responsibility of Her Majesty's Ministers in the United Kingdom remain unchanged, but Her Majesty's Ministers would naturally seek the advice of federal governments before advising Her Majesty. That is another reason why it is impossible for me at this stage to tell the House much about my views on the operation of the White Paper.

"That is the first consideration I have had to bear in mind, that final decisions cannot be reached before the House rises. The second consideration is that the life of the present Legislative Council expires on January 19 next year. The third is that under the present law there must be a new election in Northern Rhodesia within three months of that date, that is before April 19, 1959. Because of those three considerations, there are three courses I can follow. The first would be to let the law take its course and have new elections in Northern Rhodesia under the existing law. I think we all recognize that that is really unthinkable. . . . The second would be to introduce the constitutional changes by Order in Council, but the Opposition, for reasons I fully understand, dislikes that because hon. Members opposite believe that in some way that might prevent them having a proper chance of debate. The third course would be to prolong the life of the Legislative Council for three months.

"I propose to meet the difficulties in which we all find ourselves by introducing the changes in two stages. The first would involve making the Order in Council during the Recess to enable the Government of Northern Rhodesia to proceed, firstly, with the registration of voters and with the delineating of constituencies. It would be wrong to give the impression that nothing controversial will be in this first order. It will include provision for the registration of electors, for the qualification of electors and provision for delineation of constituencies. . . .

"That is the first stage, and the second would cover the making of a second Order in Council which would make the remaining provisions, including the actual provisions for holding elections. That second Order in Council would not be made until Parliament sits again. There will be plenty of time to enable hon. Members during the Recess to master the subject. In the meantime, I would publish a White Paper setting out the whole scheme of constitutional change, and hon. Members would have time to consider the whole scheme and to decide whether to press for a debate soon after Parliament reassembles before the second Order in Council is made. . . ."

He described the suggestion that the life of the Legislative Council should be extended as "quite unnecessary and to no one's advantage". He saw the force of the argument that the House should have an opportunity to discuss his proposals before they were incorporated in an Order in Council but said that it would not be fair to see the next two or three months pass with no preliminary action being taken. He was quite prepared to say that if the Opposition produced arguments which commended themselves to the House as a whole and which seemed overwhelming the Order in Council would be replaced. (*Hansard*, July 31, 1958.)

The Northern Rhodesian Indian Association commenting on the White Paper said *inter alia*: "There are approximately 7,000 Asians in Northern Rhodesia and their contribution to the economic life of the country is quite considerable and compares favourably with that of any other racial group. In fact, their contribution to the development of the country is more than proportional to their numbers. We as a section of law-abiding citizens with a legitimate stake in the future of our country, submit that we have a right to have our viewpoint heard in the deliberations of the country's Legislature. . . ."

"We, therefore, request the Government to amend the proposals so as to provide for the election of two Asian members in the same manner as provision has been made for two European and two African members."

"We are against racial representation generally, the reservation of two

seats, we are seeking should be only for the interim period or in other words until such time that a fully non-racial society is established and the country has advanced to the stage when representation on racial lines can be done away with."

Copperbelt Dispute

The Times (September 12, 1958) reported that the European Mineworkers' Union had decided to strike from 11 p.m. that day, failing a resumption of negotiations with the Chamber of Mines "on an acceptable basis, or the intervention of the Government in a manner which would allow an honourable settlement" of the dispute. At a ballot union members voted overwhelmingly for strike action.

There have been approaches for a settlement by Mr. Rex Lange, M.P. for Nkana Chingola. A meeting took place between him, Mr. Jack Purvis, the union's Acting Secretary, and Mr. David Symington, Director of the Chamber of Mines. A rumour that there was a difference of opinion between the two mine-owning groups on the companies' attitude towards the dispute was categorically denied by a Chamber official, who said that "there was complete unanimity among members on all aspects of the situation." So far fifty-eight daily-paid employees have been dismissed from service.

A formula for reopening negotiations and a standstill in the meantime was put forward by the Chamber of Mines to the union. This suggested a working party of two union representatives and two Chamber representatives, who would examine the disputed twenty-two remaining jobs to ascertain whether any hope of compromise existed on each of them.

To reach a standstill pending completion of negotiations each company would, subject to a condition, agree to reinstate men who have been dismissed and refrain from issuing instructions on any further of the twenty-two jobs. The condition is that the union will advise members to do work which they have done in the past as a matter of existing practice, and all jobs in the list of twenty-two for which the company has given orders so far.

This suggestion represents a considerable concession to the union's point of view, but so far the union has not replied to the Chamber's offer.

The dispute arose between the Northern Rhodesian European Mineworkers' union and the Chamber of Mines following meetings to discuss whether artisans or non-artisans should do certain tasks connected with repairs and maintenance. The companies are insisting that as from August 1, these jobs should be done by the non-artisans operating the machines. After further negotiations during early August, the number of jobs remaining in dispute was reduced from thirty-eight to twenty-two. The companies then informed the union that implementation of these unresolved items would take place forthwith, and the union therefore announced that it would instruct its members to refuse to do any of the disputed tasks. At Nkana mine, when a daily paid employee refused to carry out essential repair work, 120 Africans and seven Europeans were displaced. To obviate the necessity of laying off these men the Rhokana management found temporary alternative employment for them, but on September 7 the Chamber of Mines announced that the closing down of the uranium plants at the Rhokana Corporation, the whole of the Roan Antelope mine and the Nchanga mine seemed inevitable.

The uranium plant at Rhokana was not expected to close for two weeks. At the Roan Antelope and Nchanga mines, however, an ending of operations was imminent."

Mr. A. E. Lewis wrote in a letter to *The Times* (August 27, 1958) "One thing emerges quite clearly from the dispute that has now arisen. The root of the problem on the Copperbelt lies in the need for better industrial relations between the miners' unions and the Chamber of Mines. Too often in the past both sides have taken precipitant action on matters which could be solved by sensible discussion. In an effort to bring this change about, the Northern Rhodesian Mineworkers' Union and the Northern Rhodesia African Mineworkers' Union proposed the establishment of permanent machinery to replace the present unsatisfactory arrangements whereby meetings with the Chamber are on an *ad hoc* basis. The employers have so far rejected these proposals arguing that the existing machinery is satisfactory if worked properly.

"If the negotiating machinery is to function satisfactorily both sides

must have confidence in the arrangements. That confidence does not exist on the employees' side and it is obvious that the present negotiating machinery is in need of revision."

Development Plan for Northern Province

The Pretoria News (July 28, 1958) reported that a plan to turn the Northern Province from an 82,000-square mile stretch of unproductive land into a fairly self-supporting area where 300,000 Africans can earn a decent living and not face famine and starvation has been launched by Mr. M. Halcrow, Northern Rhodesia's Development Commissioner. The scheme for which £2 million has been provided is designed to improve fishing and lake transport and to settle African farmers on the land, instead of having them roaming from place to place, eking out a close-to-starvation existence. It will be spaced out over the next four years.

New schools and clinics are included and the first school has just been completed near Mpulungu on the banks of Lake Tanganyika. Boats have been ordered for an improved water transport system on Lake Bangweulu which will enable African fishermen to speed up their deliveries to the Copperbelt. The most spectacular development under the scheme will be at Mpulungu, the Federation's only port. From here will be launched a campaign to intensify the fishing industry on the lake. Three types of fishing on the lake will be encouraged—small groups of Africans fishing together, single Africans out on their own and European-operated large boats. Frozen filleted fish will be packed at a factory on the shores of the lake and flown to the Copperbelt.

At Nakonde, on the eastern border of Northern Rhodesia, an African coffee producers' co-operative has been formed.

Societies Ordinance

A few weeks before compulsory registration of societies came into force less than 250 applications had been received for registration or exemption. The Chief Secretary's office estimated that 3,000 societies should have applied, and pointed out organizations which had not applied by August 2, 1958 would be deemed unlawful and that office-bearers or people responsible for the management of unlawful societies could be fined up to £500 or sent to prison for up to seven years or could be sentenced to both a fine and imprisonment. Anyone who was a member of an unlawful society or attended any of its meetings was liable to a fine of up to £250 or up to three years' imprisonment or both. (*Federal Newsletter*, July 19, 1958.)

Crime Increase

The Commissioner of Police, Mr. J. P. I. Fforde, reported an increase of 1,673 Penal Code offences over 1956 in his annual report for the year 1957. The Commissioner said this might be accounted to the steady growth of the population. There was a notable number of burglaries and house-breaking involving European property.

Explaining the function of the African Mobile Unit which has been the subject of much criticism by African politicians,¹ Mr. Fforde reported: "The primary object of the Mobile Unit is to provide a reserve force to assist in the maintenance of law and order. It is located at Bwana Mkubwa within easy reach of the Copperbelt where concentrations of population are greater than elsewhere and the maintenance or restoration of law and order might call for substantial numbers of Police. Its secondary purposes are manifold including the reinforcement of stations throughout the Territory and the provision of assistance in dealing with outbreaks of crime beyond the capacity of normal detachment strength. (*African Daily News*, July 31, 1958.)

African Education

The Report of the African Education Department stated that there were about 530,000 African children of school-going age in Northern Rhodesia—but only 235,000 were receiving any schooling. Although tremendous strides had been made in the provision of schools and teachers for African children the position in the urban areas is serious—there are

¹DIGEST VI, 1.

an estimated 50,000 children between 8–15 years remaining in the town streets and compounds.

Two separate schools of pupils use the same building by one school starting early and the other late. It is also proposed to have all-the-year-round schools. By staggering terms and holidays of the pupils more children could use the schools which would not stand empty during holidays.

This would lead to a 33 per cent increase in the number of school-children. Because of the scarcity of staff and buildings, compulsory education for all is not considered practical. Compulsory education in urban areas was enforced at one time but apart from Livingstone this has now lapsed because of the lack of buildings.

Of about 75,000 children in towns in the territory, only 26,000 are enrolled at primary schools. The total number of students at schools, colleges and other institutions throughout the country last year was about 235,000; in 1946 it was 135,000. These students are catered for by 1,838 schools and colleges and taught by 5,100 teachers. Of the number of children in schools only about 3,400 were educated above primary level; the vast majority were below upper primary classes.

Nyasaland

Dr. Banda's View on Federation

DR. HASTINGS BANDA, whose appointment as President-General of the Nyasaland African Congress has been confirmed, has said that "if Nyasaland needs to be in some wider-based economy then by all means let her be. But that federation can never be with Southern Rhodesia where our people have a deep mistrust of the Governments. It will be with Tanganyika and Uganda and with parts of Northern Rhodesia, Ruanda-Urundi (in the Congo) and, when it has its independence and is ready, with Kenya."

This statement was criticized by the President of the African Congress in Northern Rhodesia, Mr. Harry Nkumbula, who said: "We do not wish to quarrel with Dr. Banda, but I wish to point out to him that his primary object is to secure self-government and independence for Nyasaland before he can advance his idea for the federation of these African States." (*Federal Newsletter*, August 15, 1958.)

The Central African Examiner (July 19, 1958) reviewed Dr. Banda's position now that he has returned to his homeland. It said: "The return of Dr. Banda as President-designate of the Nyasaland African Congress, so far as Nyasaland is concerned, is one of the most significant things which has happened there since Federation. In Zomba, if not yet in Salisbury, this is clearly recognized, and senior Government officials have cancelled tour plans and otherwise shown that they are ready, even anxious, to meet Dr. Banda.

"The first speeches Dr. Banda made were notably moderate. There is, in the present context, no evidence for calling him a 'black extremist'; indeed, he warned his followers that he had 'not brought self-government in my handbag', that they would need to be patient in negotiation with the Government, and they must consider the viewpoints of other racial groups—Nyasaland's 8,000 Europeans and 10,000 Asiatics. He emphasized repeatedly that he was neither anti-European nor anti-British, though, as he said frankly, he was certainly anti-Federation. He also made clear his resolve to become, through his medical practice, financially independent as soon as possible, thereby implying a determination not to be beholden to the more radical elements of the African Congress.

"All this encouraged Nyasaland Government officials last week to hope that now might prove the moment for 'a new dynamic approach' to the Protectorate's problems. In such circumstances, it is regrettable that the Governor, who could most easily take the initiative on such matters in Nyasaland, is in Britain on leave. . . .

"In the meantime, Dr. Banda, who needs to show some drastic results quickly if he genuinely intends to try to establish himself in a central position as against the Congress radicals, is likely to feel needlessly frustrated by the vagueness which Sir Robert's lieutenants in Nyasaland must needs use in reply to his approaches, however interlarded that vagueness may be with expressions of goodwill.

"The Nyasaland Government's task is to discover whether it is possible

to reach common ground with Dr. Banda on three subjects: the speed of the territory's constitutional advance within the Federation, the amount of Nyasaland African representation at the 1960 Federal Constitutional review talks, and the safeguards which Nyasaland will then demand from the Federal Government.

"The stumbling block, of course, lies in differing attitudes to federation. Zomba officials say they believe wholeheartedly in federation, but they also recognize, and rightly, that a country cannot be forced, but only persuaded to remain permanently within a federation, especially when they see as inevitable an African majority in the territorial government within a relatively short time. In March an exercise in persuasion was tried in the Nyasaland Legislative Council and failed; the Financial Secretary produced indisputable figures to show how Nyasaland, if she left the Federation, would have to find an extra £5 million annually even to maintain her present rate of development; the Director of Education demonstrated that secession would torpedo present expansion plans for the very department, education, which Africans argue is not getting, at 15 per cent of the total budget expenditure, its proper share of money. But the African Legislative Council members, and Dr. Banda since, have consistently shown themselves impervious to such arguments; their concern, they say, is not with 'welfare economics' so much as what the Presbyterian Synod of Nyasaland recently said were 'severe restriction of civil liberties'. Only when quit of federation, the Nyasaland Congress leaders say, will they feel themselves 'politically free'.

"Dr. Banda demands, 'as soon as possible', African majorities in both Legislative and Executive Councils. The Nyasaland Government speaks of 'the next step' being the introduction of a Ministerial system, similar to that provided for Northern Rhodesia, in which would be included an African Minister. Government officials believe that it is not necessary for Nyasaland to go through a phase of parity of representation between Whites and non-Whites, but even they do not seem to envisage an African majority before 1960, at the earliest."

Election of Special Members to Federal Parliament

The Governor, Sir Robert Armitage, has decided to broaden the electorate who may take part in the election of the two specially elected African Members of the Federal Parliament.¹ This will be done by including in the electoral body those Nyasaland Africans who have registered as Federal voters, either on the special or general rolls. Under the present regulations, the electoral body consists of the past and present members of the three African Provincial Councils in Nyasaland. In terms of the Federal Constitution, these two specially elected Nyasaland African Members are elected by a body which the Governor of Nyasaland has designated as representative of Africans.

At present there are only twelve Africans on the special roll in Nyasaland and six Africans on the general roll, which has higher qualifications. But the Federal Government has estimated that several thousand Africans in Nyasaland are eligible for enrolment on the special roll. (*Rhodesia Herald*, August 19, 1958.)

Need for Adult Education

The Report of the Committee on Adult Education estimated that there were more than 500,000 adult African illiterates in Nyasaland and recommended a conference be called by the Government to establish a Council of Social Service for the planning and co-ordination of African adult education, that a census of the African population be taken at an early date, and that subsequently a census be taken regularly every ten years.

Although education has advanced greatly in Nyasaland in the past twenty years, it may be another generation before even the primary school system is sufficient for the country's needs. More than 1,000 Standard VI pupils fail their final examinations every year, and if those failures wish to sit again they cannot take the Nyasaland Standard VI as external candidates but have to attempt the South African public examination.

The committee was convened in 1956 by Mr. G. G. S. J. Hadlow, and its work has been financed by the Rowntree Trust. (*East Africa and Rhodesia*, August 24, 1958.)

¹Elected under the 1953 Federal Act.

Southern Rhodesia

African Labour Restrictions

SIR EDGAR WHITEHEAD speaking in support of the Foreign Migratory Labour Bill designed to allow the Southern Rhodesia Government to prevent Africans from outside the Federation from seeking work in urban areas in the Colony where the supply of African labour exceeds the demand, said it was essential under present circumstances to give some measure of protection "to our own people", and to give some encouragement to those indigenous Africans who wanted to settle down in the cities.

The Bill was directed only at Africans from outside the Federation, said the Prime Minister, but in his opinion, the time would come when it would be necessary to go beyond that.

Before taking this step, however, it was necessary to ensure there would be no interference with the labour forces on the mines and farms, which were at present drawn largely from outside Southern Rhodesia. There were also existing agreements concerning migratory labour with Northern Rhodesia and Nyasaland.

Sir Edgar said he had entered into negotiations with the Governments of the two Northern Territories and at present they were strongly opposed to the inclusion of their African people in the Bill. In the coming months a conference would be held to discuss migratory labour and population problems, to find a solution which would protect everybody in the urban areas against unemployment. In the meantime he had had to decide whether to take no action at all until these negotiations had been concluded or whether to go ahead with the Bill. The Government had decided on the latter course, which would enable experience to be obtained of the new system.

The system of enforcing the provisions of the Bill, said Sir Edgar, would be simple. If the Government was satisfied that the supply of African labour in any local authority area exceeded the demand for such labour, this could be declared a "closed area" and Africans entering the country from outside the Federation would be prohibited from seeking work in this area. (*Rhodesia Herald*, August 7, 1958.)

Commenting editorially, the *Rhodesia Herald* (August 8, 1958) said: "about 610,000 African males were employed in Southern Rhodesia in 1956 (figures from the Plewman Report). Of this number, 310,000 were from Northern Rhodesia, Nyasaland, Portuguese East Africa and other territories, and, as the Prime Minister, Sir Edgar Whitehead, has said, wages in the Colony are based on the fact that most labour is migrant. This means, no more and no less, that many of the workers are untrained, unstable and, because of the laws of their territories, may be obliged to return home after a couple of years in Southern Rhodesia.

"In the Colony the Government has become increasingly worried about the flow of Africans to the towns and about the problems of obtaining enough workers in the rural areas. Thus the reason for the Foreign Migratory Labour Bill which Parliament is now considering. Its purpose is to control and direct the flow of labour from outside the Federation—and the Prime Minister has said it may become necessary even to control the flow from Northern Rhodesia and Nyasaland. . . .

"Nyasaland is unable to use as many of her own workers as she would like. Similarly Northern Rhodesia. Therefore it is natural that those two Territories should oppose a plan to restrict the movement of labour from them to Southern Rhodesia, even a plan to prevent this labour from entering our towns. Ponder the position which would arise in Northern Rhodesia alone, where in some rural areas an average of about 60 per cent of tax-paying males are absent throughout the year, if these men were prevented from seeking work in Southern Rhodesian towns.

"The Prime Minister has been negotiating with the Northern Territories. It was right that he should do so, for it would have been irresponsible for Southern Rhodesia to have ignored her broad, Federal responsibilities and to have decided to look after her own interests only. Southern Rhodesia has benefited very considerably from federation, has given much in return; she should continue to do so. Only as a last resort should the Government adopt an essentially parochial attitude—the effects of rigidly controlling migrant labour from the Northern Territories could be extremely serious for the Federation as a whole."

African Cost of Living

The report of the Urban African Affairs Commission shows that the average African worker in Salisbury who is married and has children, normally earns half, or less than half, of what he needs for his family to live and remain healthy. Under the recent minimum wage award he earns £7 12s. 9d. a month; he needs, if he has a wife and two children and their accommodation is provided free, £15 0s. 7d.

The *Sunday Mail* (August 10, 1958) described the way in which a family consisting of husband, wife and four children live on a monthly salary of £7 10s. 0d.

The family menu is as follows: Breakfast—mealie meal porridge with a little salt; lunch (the schoolchildren come home to eat at midday)—mealie meal porridge with a scrap of meat or vegetables; evening meal (main meal of the day)—mealie meal porridge, with meat or vegetables in whatever quantity can be spared and tea if there is any. At the end of the month, the family usually has a little sugar on its sadza to celebrate pay day.

African Contribution to Revenue

In his annual report the Chief Native Commissioner replies to the criticism by some Africans that despite the increase of taxation from £1 to £2 a year, educational facilities are still lacking.

During 1957 Africans paid £820,241 in Native tax, and the Colony's share of non-indigenous tax was £164,408, giving a total of £984,649. In the same period the Government spent £2,150,375 on African education. "However," he says, "the Natives' contribution in indirect taxation is tremendous." (*Rhodesia Herald*, July 3, 1958.)

Future of the U.R.P.

Mr. R. S. Garfield Todd's United Rhodesia Party has announced that it will not fight this year's Federal general election.

Having no representatives in Parliament, Mr. Todd's Party plans to spend the next five years as a fact-finding organization which will function where possible as a pressure group. The statement said the Party "is concerned to obtain first-hand knowledge of what is in the minds of people of different sections of the population". It is likely that it will be active in presenting reports and giving evidence to commissions and parliamentary select committees. (*Manchester Guardian*, July 28, 1958.)

Dr. I. Colin Campbell, chairman of the Constitution Party in Rhodesia, has announced that a formal offer by the Party to Mr. Garfield Todd, to assume the leadership of all the liberal elements in Southern Rhodesia has been ignored. The statement said that Dr. Campbell had written to Mr. Todd suggesting that while there was a broad basis of agreement between his United Rhodesia Party and the Constitution Party, the U.R.P. had lost any immediate prospects as a vehicle for liberal thought, and that on the territorial and federal levels the liberal elements should unite under one banner, either as the Constitution Party or under another title, such as the Reform Party.

The letter, written on June 16, had formally offered Mr. Todd the leadership of such a liberal party, proposed that preparations for the next territorial election should begin at once, and suggested that a few candidates should be put up in selected seats at the forthcoming Federal general election. No reply had been received. (*East Africa and Rhodesia*, August 21, 1958.)

Sir Roy Welensky said at the United Federal Party congress in July that members of the United Rhodesia Party could not join the U.F.P. in the federal field. The *Rhodesia Herald* (July 7, 1958) said: "Sir Roy's categorical statement clarified the position for many people who supported Mr. Garfield Todd in the recent territorial general election, and who in the coming federal election wish to be active supporters of the United Federal Party."

Mr. Garfield Todd told more than 200 Africans in Harari that the United Rhodesia Party has a "tremendous responsibility to keep going". Mr. Todd said that the reason for going slowly at the moment was that the Party had to do a lot of re-thinking. "We are aiming for 100 sound branches throughout the country and only then will be able to formulate policy. Our problem is to convince enough people that the things in which we believe are true and practical. In the last election the United Rhodesia Party was unable to do this."

Speaking in Bulawayo he said: "The question of European tenure and status within the Federation will be decided by the policies and actions of the next few years. We must recognize that the odds have shortened within the past twenty years. They will be shortened still further if we delay the implementation of an economic and social structure which will allow full opportunity for all people of all races to rise. The influence of Southern Rhodesia in racial policies is dominant. Our attitudes may well determine events in the North, especially in Nyasaland." (*Rhodesia Herald*, August 9 and 22, 1958.)

Restrictions on Congress

Mr. S. E. Morris, Secretary for Native Affairs, told the African National Congress that they would not be allowed to hold the annual general meeting of the Highfield branch of the A.N.C. in the open air in the location. Mr. Morris said that it was not the policy of his department to grant permission for open-air mass meetings other than those for religious or education purposes in Native Village settlements.

Mr. Joshua Nkomo, President General, described the ban as a "disgrace to the country". (*Rhodesia Herald*, July 5, 1958.)

Congress Leader Convicted

James Robert Chikerema, vice-president of the African National Congress, was fined £100 or six months' imprisonment for criminal defamation. The issue of the warrant committing Chikerema to jail in default of payment was suspended until August 31 on condition that the fine was paid in full on or before that date.

The Court, which has been crowded with Africans throughout the three days of the hearing, was full to capacity. There were one or two demonstrations of glee by his followers when Chikerema left the Court after the verdict and sentence, but the crowd soon dispersed in an orderly fashion. (*Rhodesia Herald*, July 11, 1958.)

EAST AFRICA Kenya

New Minister Appointed

Mr. W. A. C. MATHIESON, C.M.G., M.B.E., at present head of the East African Department in the Colonial Office, is to be appointed Kenya Minister for Education, Labour and Lands in succession to Mr. W. F. Coultis, who was appointed Chief Secretary when Sir Richard Turnbull became Governor of Tanganyika.

Hotels Regulations Differentiate

The Council of State, at its first public meeting this week, decided unanimously to recommend to the Governor that amendments should be made to the Hotels (Minimum Standards) Regulations, which were introduced recently to provide minimum standards for hotel buildings, equipment and furnishings. The Council approved a motion contending that the regulations are a differentiating measure.

Dr. S. D. Karve said that under the Hotels Ordinance any place giving board and lodging for more than five people would be considered a hotel. Small boarding houses and the cheaper hotels would have to conform with the rather costly minimum standards regulations or all go out of business. The standards would be beyond the financial resources of Asian and other Non-European hotelkeepers running small hotels for Asians and other Non-European guests.

The Council recommended that the regulations should be amended by providing that they should not apply to any hotel where the charges per person per day for full board and lodging did not exceed 15s. (*Kenya Newsletter*, August 13, 1958.)

Trade Unions and the Government

Mr. J. D. Akumu, General Secretary of the Mombasa Dock Workers' Union issued a statement to the press during his visit to London in August. He said: "The Kenya Government has an unfounded fear that

some people might use organized Trade Union Movements for their own political ends. This is itself retarding the development of a responsible Trade Union Movement in Kenya. African Trade Union leaders have never made any effort to use the Trade Union Movement as a political weapon, not even during the Emergency. There have never been political strikes. We cannot therefore understand why a Government should have this fear. The result is that there are stringent laws which have only succeeded in frightening people who were interested in the Trade Union Movement. The Government and employers under the present regulations can always remove the men elected by the workers.

"These suspicions and repressive laws and regulations requiring permits before holding public meetings, the possibility of one's speech being tape-recorded and the use of troops during strikes, have convinced us that the Colonial Government does not mean to encourage the development of responsible independent trade unions and the fact that a former Mombasa trade union leader has been in detention for over ten years for organizing a strike has further convinced us that the Government is definitely repressive.

Efforts were made on paper to equate the salary scales of all races in the Civil Service but even this has only been done half-heartedly. Workers in private industries are still subjected to racial barriers. In the docks and railways it is still colour which qualifies one for a job and not ability. It is not possible for trade unions to fight this because the industries are essential services—therefore workers cannot go on strike and if they go to arbitration they get nothing. The railway unions after going to arbitration were given worse conditions than before. Bus workers in Nairobi who went on strike were all arrested and charged for contravening the essential services ordinance. That is how the Kenya Government is encouraging the development of a responsible trade union movement. This was the first strike to take place during a period of five years. . . .

"Although the Government knows that more than 20 per cent of Nairobi's population are not properly housed no practical steps are being taken to meet this serious problem. The "bed-space system" whereby a room 9 x 12 ft. is divided among three or four occupants, is still the main practice and people are separated from their families for a long time. Where rooms have been given they are too small for a family and children. In some places people who are married are given one room to share with bachelors. In Mombasa where the minimum wage is below £5 10s. the Municipal Board built fairly good quarters for renting but at the rate of £5 14s.

"Kenya is normally described as an agricultural country and land development it is believed could provide homes and employment for the Colony's unemployed and landless populations, but instead of allowing African farmers to use the highlands to create some employment for these people, the Kenya Government still reserves the highlands for European settlement, although there are thousands of ratepayers who could use the land. Some of these people are desperate people who are now returning from detention camps, with nothing to live on.

"The workers do however appreciate fully the moral and the material backing we are receiving from the International Confederation of Free Trade Unions, the International Transport Workers' Federation and from the British Trade Union Congress." (August 22, 1958.)

The *Manchester Guardian* (August 23, 1958) commented: "There can be no doubt about Mr. Akumu's sincerity. Nor can there be any doubt about his need to seek advice from those who have the mature art of trade unionism at their finger tips. When his accusations became more precise—as in the case of the railway unions who went to arbitration and came away with 'worse conditions than before'—it became apparent that he was pre-occupied with the realities rather than the legalities of the situation, a mistake which British trade unionists have long since learned to avoid. The award allowed for a 5 per cent increase in pay and a four-day reduction in leave, which may or may not have resulted in a net deterioration of conditions. The important point, as a representative of the T.U.C. who was accompanying Mr. Akumu explained to him, was that the arbitration committee was technically at fault for including the question of leave in its award. This and some other cross-talk of the same kind provoked the suspicion that the emotional gulf between Mr. Akumu and the T.U.C. professionals may be almost as great as the gulf between him and the

Government of Kenya, though a few weeks at Congress House may do much to close it."

Mr. Akumu returned to Kenya a week later.

Trade Unionism and the Farmers

A representative from Britain of the International Plantation Workers Federation is to visit Nairobi to assist in the formation of an agricultural workers' union in Kenya. A committee has been set up by the Kenya Federation of Labour to prepare "a programme of organization".

The President of the Kenya National Farmers' Union, Mr. H. M. Collinson said the establishment of an agricultural workers' union presented a challenge greater than any that the farmers of the Colony had ever had to face.

It would be wrong to oppose the formation of such a union, but it was necessary to meet it with an equally strong and stable employers' union to prevent the workers' trade union becoming a force of evil. He described the proposed African agricultural union as "powerful and possibly corrupt".

Mr. Tom Mboya, General-Secretary of the Kenya Federation of Labour, said Mr. Collinson's views would go a long way to undermine the good work that the Association of Commercial and Industrial employers and the Federation were trying to do. They were also a challenge to the Government's publicly stated policy towards trade unions.

Farmers should realize that trade unions functioned within the framework of the Trade Unions Ordinance, under which they were required not only to submit their books annually for inspection, but to lay them open for inspection as and when the Registrar of Trade Unions desired.

Mr. Mboya said he was glad to know that farmers realized that trade unionism could no longer be stopped, although they seemed to be driven more by fear of trade unions than by the acceptance of the proper place and functions of trade unions. (*Uganda Argus*, August 14, and *East African Standard*, August 15, 1958.)

Differences Amongst African Leaders

Disapproval of the recent statement by Mr. Oginga Odinga, Chairman of the African Elected Members' Organization, that Jomo Kenyatta and the other Mau Mau prisoners at Lokitaung (in the Northern Province) were still the real political leaders of the African people, was expressed by Mr. Jeremiah Nyagah, African Elected Member for the Meru and Embu constituency, in a speech in the Nyeri district. Mr. Nyagah said that he and the other two African members of the Legislative Council for the Central Province had tried in vain to get their chairman to withdraw his statement, which "had not been helpful to the African Elected Members' Organization".

Kenyatta and the Mau Mau rebellion had brought "nothing but misery and suffering" to thousands of Kikuyu, Embu and Meru for six long years, continued Mr. Nyagah. Members of these tribes had lost their relatives and much of their property. "Although I am pleased to learn that the Kikuyu of the Nyeri district are free so far from contamination of the proscribed secret society Kiama Kia Muingi (K.K.M.), I must warn you that another six years of hardship awaits you if ever you become involved in secret oath-taking and subversion," he added. (*Kenya Newsletter*, August 27, 1958.)

Dr. J. G. Kiano expressed similar views to those of Mr. Nyagah at a meeting in the Fort Hall District.

Kenya Party Congress

The Kenya party formed in November to take the Capricorn Africa Society's ideals into the political arena held a conference in Nairobi in July, 1958.

Major F. H. Sprott, the Party's chairman said that the conference resolved that, within the framework of the Lennox-Boyd constitution, the next modification should establish a qualitative common roll to elect members to the seats in the Legislative Council occupied at present by the Specially Elected Members.

As communal rolls are to continue for a time, they should be put on the same basis of a qualitative franchise and a multiple vote for all races and communities.

¹Mr. Michael Wood of Kenya has succeeded Colonel David Stirling as President of Capricorn Africa Society.

The conference urged the council of the Kenya Party to impress upon the Government the "urgent necessity" for investigation and the drawing up of plans for a constitutional change.

Kenya should move by planned stages towards the status of a democratic State within the Commonwealth, and owing allegiance to the Crown, another resolution stated. (*Uganda Argus*, July 23, 1958.)

Some Emergency Restrictions Relaxed

A detention order served on ex-Senior Chief Koinange in 1953 has been suspended. Chief Koinange, about 90 years of age, is now living in restricted residence at Kabarnet township in the Nandi district of the Rift Valley Province. A house is being built for him, and meantime the former chief is being accommodated in a hospital. His health is stated to be satisfactory. Suspension of the detention order took effect on March 22 of this year. The decision was made because of Koinange's age. (*Kenya Newsletter*, August 13, 1958.)

Relaxations of Emergency restrictions in areas not seriously affected by the K.K.M. (Kiama Kia Muingi—the proscribed secret society), have been announced by the Kenya Government. In the Nyeri District, the curfew is to be relaxed and in Meru it will be lifted altogether in the reserves. In townships and settled areas it will continue.

Movement restrictions are to be relaxed for Kikuyu, Embu and Meru holding pass books and living in the Kiambu and Thika districts. They will be permitted to visit Nairobi on week-days returning to their homes by nightfall.

With effect from September 15, 1958, the Central Province African Elected Members will, subject to certain conditions to be stipulated on the permits granted for these meetings, be permitted to address locational meetings in their constituencies, which will be open to all the residents of the location, including those without loyalty certificates. (*Kenya Newsletter*, September 10, 1958.)

Tanganyika

Africans in Government Service

SIR RICHARD TURNBULL, the New Governor, speaking in Swahili to a tribal gathering at Bukoba, said that it was a matter for shame throughout the Territory that so many people who had been given responsible positions in local and central government had abused their trust. Only by the creation of a public opinion which despises corruption in officials and supports the forces of law in dealing with such corruption will this problem be solved. Councillors should also encourage the officers of the Native authority to study to improve their efficiency.

Sir Richard said: "In my inauguration speech in Dar es Salaam I said how anxious I was that Africans should be given every opportunity to rise high in the Civil Service. As a first step I intend to promote African Assistant District Officers of experience with good records to fill vacancies in the cadre of full District Officers. When these men have been selected we shall send them to England this year so that they may receive the same training as other District Officers.

"We shall continue to recruit and train suitable Tanganyikan graduates from Makerere and elsewhere for appointment as full District Officers, and to recruit Assistant District Officers from among Africans who have gained experience in the service of their country. They will carry great responsibility in its future development."

The Chief Secretary, Mr. A. J. Grattan-Bellew, addressing the annual conference in Dar es Salaam of the Tanganyika African Government Workers' Union, said: "It is essential in any territory, whether dependent or independent, if it is to be governed reasonably well, that there should be a well organized and well trained Civil Service, and it must be the very essence of the Service that it is loyal. It must faithfully carry out the policy of the Government of the day, regardless of whether that Government is an elected one or not, or whether it is a Government of which individual members of the Service approve or not." (*East Africa and Rhodesia*, August 21, 1958.)

First Elections

Direct elections in the five constituencies take place on September 8.

The electorate of each constituency will choose one African, one European, and one Asian to represent them in the Legislative Council.

Direct elections had also been planned in five more constituencies for September 1959 but the Governor said that the experience gained in organizing the current election had made the Government feel justified in bringing forward the second round of voting. They will now take place in February.

Four hundred polling stations to be used in the elections will be so situated over the 212,000 square miles of the five constituencies in which polling takes place in September, that every voter should be able to get to and from his nearest polling station in a day. One constituency alone, that of the Western Province, is as big as England and Scotland together. There are 28,500 registered voters. Candidates at the elections consist of fourteen Africans, twenty-two Asians and eight Europeans. Two are women—one Asian and one European. Julius Nyerere has two African opponents in the Eastern Province. Two Europeans and one African are unopposed.

U.T.P. Aims

Mr. Ivor Bayldon, United Tanganyika Party candidate, has complained of lack of co-ordination in spending public money, waste, overlapping, and "empire building" by some Government departments, in the course of his election campaign.

His manifesto states that when a senior Civil Servant accepts a job as Minister he should resign from the Civil Service, so that he is completely free to identify himself with the country. Chiefs should be recognized as an integral part of the Government; that new land tenure legislation is necessary to make it clear beyond doubt that the rights of Africans to their land is fully protected and fully negotiable, subject to suitable safeguards against exploitation by anyone; that capital and skill must be introduced from abroad to develop agriculture, mining communications, and secondary industries; that a railway to the Southern Highlands is a first priority; and that there should be Government subsidies to help agriculture by promoting fertilization, soil conservation and irrigation.

Mr. Bayldon believes that "there are great possibilities of developing a federal system based upon the larger and more progressive tribes. This might well require the adjustment of existing provincial boundaries, which are artificial. This system would secure decentralization and at the same time secure local autonomy based upon a realistic and cohesive foundation of common interests." (*East Africa and Rhodesia*, August 28, 1958.)

Self-Government for Tanga Demanded

Mr. R. N. Donaldson, a candidate in the Tanga Province constituency in the forthcoming general election in Tanganyika Territory, makes self-government for that province the main plank in his platform. He states "I think Tanganyika much too big to be governed as a single unit. . . . When a man goes to the District Commissioner or his Chief with a problem, he wants an answer then and there, not to wait for months or years as he has to now for someone in Dar es Salaam whom he has never seen and who has never seen him to write a letter about it. . . . My policy is based on the belief that we must secure self-government quickly, and that the Tanga and Northern Provinces are more advanced than the rest of the Territory and ought not to be held up until backward provinces catch up with them.

Mr. Donaldson wants to see an immediate transfer of many of the executive and legislative powers of Government from Dar es Salaam to Tanga Province including the following subjects: finance, social services, schools and immigration.

There should for the time being be reserved control by the territorial Government in such subjects as constitutional affairs, police, universities and defence.

East Africa and Rhodesia (August 7, 1958) describes Mr. Donaldson's proposals as the most extreme case of seeking to contract out of the life of a great territory by schemes of inflated isolationism and as "incredibly naive".

T.A.N.C. Manifesto

The Tanganyika African National Congress has issued an election manifesto stating that their main objective is to bring self-government to Tanganyika now. The sort of self-government envisaged is a government

wherein all the Ministries shall be held by indigenous Africans and which shall be responsible for all State matters with the exception, for a short time, of Justice, the Office of the Chief Secretary, Defence and Foreign Affairs and Finance, for which exclusively British expatriates shall be responsible. Universal Adult suffrage is sought.

The manifesto concludes "We prefer self-government with danger to servitude in tranquillity". The president of T.A.N.C. Mr. Zuberi Mtemvu, is a candidate in the Tanga Province constituency. (*East Africa and Rhodesia*, August 7, 1958.)

Julius Nyerere Fined

Julius Nyerere, president of the Tanganyika African National Union, was fined a total of £150 after being convicted of two charges of criminally libelling Mr. G. T. L. Scott, District Commissioner of Songea. (*Uganda Argus*, August 12, 1958.)

A *nolle prosequi* was entered by the Crown on a third count. The magistrate, Mr. L. A. Davies ruled that the District Commissioner of Songea, Mr. Scott, need not give evidence in rebuttal. The prosecution said there was no dispute that Mr. Nyerere wrote and published the offending article and the issue was whether it was true or of public benefit or privileged. There was no evidence to show that it was true. Mr. Nyerere had said he published it to draw Government attention to grievances. He could not have made less investigation into the allegations against Mr. Scott and had accepted them without consulting any reliable source of information.

Mr. D. N. Pritt, defending, described the prosecution as an attack on the freedom of ordinary political expression. The prosecution was unworthy and a deliberate attempt to suppress criticism of the Government by a responsible person and organization. There was uncontradicted and undisputed evidence that the Government would not put things right unless a complaint was made publicly. (*The Times*, July 18, 1958.)

Williamson Diamonds Sold

An agreement has been signed between the Tanganyika Government and De Beers Consolidated Mines, Ltd., making them equal partners in Williamson Diamonds, Ltd., owner of the Mwadui diamond mine in Tanganyika. The purchase price was £4,140,000, plus death duties.

News of the sale was announced at Mwadui by the Governor of Tanganyika, Sir Richard Turnbull, and the agreement, which is subject to ratification by the Legislative Council, was signed on the following day.

The Government and De Beers will hold equal shares, and each will have four directors on the board. The Government directors have not been named. Those of De Beers will be Mr. Harry Oppenheimer (who is to be Chairman of the Company), Mr. Philip Oppenheimer, Mr. Anthony Wilson, and Mr. I. C. Chopra, Q.C., who was legal adviser to the late Dr. Williamson.

Williamson Diamonds has a share capital of £600,000 in 1,200 ordinary shares of £500 each, of which 800 were held by the executors of the estate of Dr. Williamson, 300 by Mr. Percy Williamson, and 100 by Mr. Chopra. Dr. Williamson bequeathed his shares to his brother, Mr. Percy Williamson, and his sisters. All the shares have been acquired by De Beers.

The Tanganyika Government is to bring a Bill before the Legislative Council to enable it to accept 320 shares for estate duty and to purchase from De Beers for £1,317,272 a further 280 shares. This sum is to be repaid over twenty years out of dividends on the shares. After meeting interest on the capital sum, two-thirds of the dividend income is to be used to pay off the capital figure; the remainder will go to Government revenue. The enterprise is to continue as a Tanganyika company. (*East Africa and Rhodesia*, August 21, 1958.)

Uganda

Pan-African Students' Conference

THE first Pan-African students' conference opened at Makerere College in the first week of July. Eleven countries were represented. Mr. A. K.

Kironde, Assistant Minister of Social Service, opening the Conference said it had been said that Africa was the making of America. "I would go further and say that Africa will make the world. History has shown no people who have achieved so much in such a short space of time and against such adverse circumstances," Mr. Kironde said. Already, vast numbers of Africans had met with success in the fields of science, the professions, sport and entertainment.

Illiteracy was still a great problem with the African people and he thought that students like those attending the conference could do much to stamp this out. He urged the students not to become too deeply involved with any political ideology—particularly Communism—but to try and preserve their independence.

Mr. Tom Mboya, Member of Kenya Legislative Council, told the delegates that the future of Africa was in their hands. "Africa needs dynamic leadership," he said, "for it is moving in a world where we must run where others walked—and in which we must not make the mistakes that they made." He reminded the conference that poverty, disease and ignorance had to be defeated before true political freedom could be attained, and it should be the aim of all nationalist movements to provide higher standards of living for the people.

Mr. Bernard de Bunsen, Principal of Makerere College, said the conference was a "tremendous accomplishment". He hoped that the students would find time for a general discussion on the role of universities in Africa and believed that the meeting would enable the delegates to learn more about the differences of university life in each other's countries.

Mr. W. Makere, one of the East African delegates, complained that every student depended on the Government for a bursary. The result was that the Government thought it could dictate what a student did. In addition, the pupils at Makerere were not allowed to study the subjects they wanted. The authorities had refused to establish courses in law and administration. Instead of the former they had been offered an honours course in English.

A resolution protesting against racial segregation in South African universities was passed unanimously. It stated *inter alia* "This conference states its opposition to all forms of racial discrimination and segregation in higher education in South Africa, pleading that this can never give equality of education to all students."

Dispute arose over the credentials of the representatives from the Federation, Mr. J. Little and Mr. D. Pilbrough, after they had suggested the conference should adopt a motion that "This conference notes that there is racial discrimination in the Federation of Rhodesia and Nyasaland and protest against this". The delegate from Togoland and the Cameroons said that the motion was drafted to make it appear that there were no representatives from the Federation present. "I would like to ask the representatives who are here on behalf of the Federation whether it is possible for them to take a firm stand on the question of racial segregation."

The chairman of the credentials committee, Mr. Emanuel Obo of Nigeria, said his committee had been under the impression that the two delegates represented 2,000 students in the Federation. Now, it appeared, they only represented a commission of four.

Mr. Pilbrough said that he and Mr. Little represented a commission which had been set up to investigate the possibility of forming a National Association of Students in the Federation.

The suspension of the delegates was passed by nine votes to two, but the credentials committee subsequently recommended that they should be re-admitted. During a debate on this recommendation the Ghana representative said: "I am sure that the Rhodesian and Nyasaland delegates at the moment feel that we are discriminating against them just as we often feel that White people have discriminated against us. This is our very wonderful opportunity to show in practice that we do not show discrimination." When the Rhodesian delegates were re-admitted representatives from Tunisia, French West Africa, Togoland and Sudan walked out of the conference, but returned again the following day.

The conference appointed a five-man commission to investigate the possibilities of forming a Permanent Secretariat for students of the whole African continent. It was resolved to hold a second Pan-African Students' Conference within eighteen months. Delegates discussed a comprehensive

range of students' problems from shortage of text-books to self-government. Other resolutions attacked colonialism and imperialism, illiteracy, and French nuclear tests in the Sahara.

Katikiro Files Civil Action

An application from the Uganda Attorney-General for the rejection of a civil action filed by the Katikiro (Chief Minister) of Buganda was dismissed by Mr. Justice Sheridan in the High Court.

In his plaint, the Katikiro seeks a declaration from the court that, because the character of Legislative Council has been changed by the appointment of a Speaker, he is no longer bound to arrange for the election of Representative Members for Buganda.

Mr. Justice Sheridan ruled that the matter was too important for disposition in a summary manner. Mr. M. J. Starforth, for the Attorney-General, had asked for the rejection of the plaint on the ground that it disclosed no cause of action, or alternatively that it was barred because the requisite two months' notice had not been given under the Suits By or Against the Government Ordinance.

After the judgement Mr. Phineas Quass, Q.C., who appeared for the Katikiro, was chaired from the court building by jubilant Africans.

Another Passport Refused

The passport of Mr. I. K. Musazi, president of the Uganda National Congress, was withdrawn at Entebbe Airport by order of the Acting Chief Secretary, Mr. G. B. Cartland. Mr. I. K. Musazi was to have attended a congress for Disarmament and International Co-operation in Sweden.

In a statement the Kabaka's Government said it "deplored" the attempt of Mr. I. K. Musazi, president of the Uganda National Congress, to attend the World Congress. Mr. Musazi's Party received a telegram from Stockholm saying that African delegates attending the Congress protested vehemently against the withdrawal of passport.

Mr. Lennox-Boyd refused when Mr. J. Stonehouse, M.P., asked him to intervene to return the passport of Mr. I. K. Musazi.

Speakers at a meeting of the "United Political parties"—the Uganda National Congress, Progressive Party and Democratic Party—denounced communism and declared that Uganda should be built on the firm foundation of democracy. The statement deplored the withdrawal of Mr. Musazi's passport, pointing out that some sponsors of the conference came from Britain and other Commonwealth countries. Uganda would have benefited a great deal if Mr. Musazi had been allowed to attend the conference, because the delegates attending it would hear that Uganda was not in favour of nuclear weapons, and that nuclear tests should be abolished.

Mr. Musazi told the meeting that while one could run away from communism, one could not run away from communists. He criticized the Government for not allowing him to attend the Stockholm conference, where he could have expressed his opposition to French plans for holding nuclear tests in the Sahara. If Buganda deplored and disassociated itself from any person or country which was in touch with communism, she should do so with Great Britain, which was a member of the United Nations. There were communists in Britain, he said. Unless people got together to discuss problems, world peace would always be threatened he said. Atoms should be used for the good of man. Communism would not come to Uganda if there was free expression, democratic representation and free existence of political parties, he said. (*Uganda Argus*, July 14, 19, 24, and 31, 1958.)

Mailo Lands Purchased

Compulsory acquisition has been completed for the first pieces of mailo land over which the Western Uganda railway runs.¹

Procedure was begun recently by the Government to buy such land, or to exchange it for pieces of Crown land. Landowners were warned that the areas would be compulsorily acquired if they did not accept such offers.

The process of acquisition has been completed in the Kibuga area, it was announced yesterday. There the railway runs over about twenty-four acres of land which were formerly part of nineteen separate parcels.

¹DIGEST IV, 5.

Four landowners agreed to exchange their land. One plot was purchased by voluntary negotiation. Owners of the fourteen remaining plots refused to negotiate, and their land has been acquired compulsorily, after the award of compensation by the Collector, Mr. J. G. Rhys-Jones. (*Uganda Argus*, August 20, 1958.)

Congress Leader's Conviction Quashed

The conviction of Joseph William Kiwanuka, chairman of the Uganda National Congress, for allegedly creating a disturbance in the Buganda Lukiko¹ has been quashed. A fine of £50 on another charge of showing contempt of the Lukiko was reduced to 10s. Kiwanuka had appealed after being fined £50 in a Buganda Native court on each of the two charges, which arose from incidents in March when he was ordered to leave the Lukiko. (*The Times*, September 4, 1958.)

Direct Election Plans

Uganda's first direct elections for African representative members of Legislative Council take place on October 20, 22 and 24. The Legislative Council, which has an African majority, consists of sixty-two members, thirty of them on the representative side. Of these, eighteen are African, six European and six Asian. This year, ten of the eighteen African seats will be contested. Buganda (five seats) Ankole (two) and Bugisu (one) are not taking part in the elections. (*Uganda News*, September 3, 1958.)

T.B. Survey Completed

Six workers, drawn from Denmark, Norway, Holland and England, have been members of a World Health Organization Team which has been working in Uganda for seven months.

The team stated that they were pleased with the co-operation of the chiefs and public. For the first time in six years' experience, they had a 100 per cent response from the people chosen in some areas.

The team's effort was aimed at discovering the incidence of tuberculosis infection and disease in Uganda. Reports seem to indicate that the incidence of infection is generally high but the amount of active disease low, members of the team said.

Reports will now be analysed and evaluated and a report on them submitted to W.H.O. for consideration whether further action should be taken in Uganda.

The W.H.O. will make its recommendations to the Protectorate Government. (*Uganda Argus*, August 20, 1958.)

British Somaliland

Royal Visit

H.R.H. THE DUKE OF GLOUCESTER will pay an official visit to the Somaliland Protectorate in November 1958. His Royal Highness, who will be accompanied by the Duchess of Gloucester, is also paying an official visit to Ethiopia, at the invitation of the Emperor. They are expected to spend about four days in the Protectorate.

Development Programme Increased

Additional financial assistance has been given by the United Kingdom Government towards the cost of the Somaliland Protectorate development programme. The programme, which is phased over the period 1955/60, covers projects such as education, agriculture, medical services, water supplies and port development; and the Protectorate Government plans to spend about £2.47 million on them. The additional assistance is in the form of a supplementary grant under the current Colonial Development and Welfare Act, and up to £500,000 will be provided if required. Under the various Colonial Development and Welfare Acts the Somaliland Protectorate has received about £2.85 million from the United Kingdom Government towards the cost of development. (*Colonial Office Information Department*, September 3, 1958.)

The Annual Review of Development 1957/58 published by the Protectorate Government said that there is now little doubt that the execution

¹DIGEST V, 6.

of the target plan for the expenditure of £2,470,000 during the current development period is within the country's capacity.

The Report gives details of grants including that of £122,000 to provide for the building of a new secondary school and for the initial purchase of science equipment; a grant of £40,000 for the investigation and development of Rural Water Supplies; £15,600 for the construction of a Police Training School and £14,180 for the building of a new Airport Terminal at Hargeisa (*War Somali Sidihi*, July 26, 1958.)

Somalization Commission

Mr. R. J. C. Howes has been appointed the Commissioner on Somalization. His terms of reference are to make inquiry to (a) determine the number of officers who will probably be required by the Government during the period of seven years from April 1959; (b) assess the extent to which such requirements are likely to be met by the promotion of officers and the recruitment of Somalis; (c) make recommendations for improvement in the educational and training arrangements whereby serving officers and potential entrants into the Civil Service who are Somalis, could be made available expeditiously to meet the requirements; (d) in the light of the findings under sub-paragraphs (a) and (b) above, make recommendations for a programme whereby officers recruited from abroad can be progressively replaced by Somali officers, without injustice to individuals or undue loss of efficiency. (*War Somali Sidihi*, August 23, 1958.)

SUDAN

Government Policy

IMPROVEMENT of communications takes a high place in the policy of the Sudan Government. The railway has just been extended to El Daeen in Southern Darfur, it should reach Nyala about this time next year and Wau, in the deep south of the country, in 1961-62. Diesel traction is being substituted for the present steam locomotives and berthing capacity in the harbour of Port Sudan is to be increased by 30 per cent. A new airfield has been built at Malakal, Khartoum airport has been greatly improved, and within a few months Sudan Airways expect to start regular services to Egypt and Europe.

Sayed Mohamed Ahmed Mahgoub, Minister of Foreign Affairs, and leader of the House of Representatives, said that prospecting by the most modern methods had indicated mineral potentialities and that the first mineral production should be achieved before the end of this year. Legislation was to be introduced to regulate oil exploration. A plan for the production of hydro-electric power from the Sennar Dam was under consideration and the Government gave top priority to the establishment of the textile and sugar factories. It would do all in its power to stimulate light and other secondary industry.

The International Bank had agreed to finance railway development and it was hoped that it would provide funds for the Manauil agricultural scheme and the Roseires Dam.

The Army was to be increased and given training with modern weapons; a staff college was to be established; the security agencies were to be strengthened and within three months most parts of the world should be able to hear the new Omdurman broadcasting station.

The Minister also said: "To raise a religious and patriotic new generation, the Government has decided that religion should be a principal subject in every school, and mosques have been constructed in large schools and instructions issued to all concerned to see that pupils perform their prayers in them and to inflict severe penalties on those who fail to do so. This policy equally applies to non-Moslems if they do not observe the precepts of their faith."

"Our foreign policy is as follows: (1) Non-alignment with either the Western or Eastern bloc and co-operation with any State as dictated by the interests of the Sudan; (2) Non-alignment with any of the Arab blocs, meanwhile sparing no efforts to secure understanding and agreement among them and co-operation among Arab States to the advantage of us all; (3) Non-participation in any form of pact except as a defensive measure in case of aggression on the Sudan by any State; and (4) Extension of

help to the dependent African territories to attain their freedom and raise their standard of living. "We are motivated by a sincere wish for peace and a firm will to safeguard our sovereignty and independence and inspired by altruistic feelings for the good, liberty, and equality of all nations, standing for what is right, supporting the oppressed, pleading the cases for freedom and co-operation among peoples so that peace and tranquillity may prevail on the earth." (*East Africa and Rhodesia*, August 7, 1958.)

SOUTH AFRICA

New Premier

THE parliamentary caucus of the Nationalist Party elected as their leader Dr. H. F. Verwoerd, the Minister of Native Affairs, in succession to Mr. Strijdom. He thus automatically became Prime Minister.

The Times (September 3, 1958) wrote: "Hendrik Frensch Verwoerd was born in Holland in 1901 and brought to South Africa as an infant when his father emigrated. . . . He was educated at Wynberg (Cape), Bulawayo, and Brandfort in the Free State, and graduated in psychology at Stellenbosch University where, after attending the Universities of Hamburg, Leipzig and Berlin, he became Professor of Applied Psychology and later head of the department of sociology. At Stellenbosch he took a leading part in movements to rehabilitate poor Whites in South Africa. In 1936 he acquired some notoriety as one of six members of the academic staff who protested against entry into South Africa of Jewish refugees from Hitler's Germany. A year later he became the first editor of the *Transvaler*, the Nationalist newspaper at Johannesburg (which) he built up as a powerful organ of Nationalist opinion. . . . In 1943 he was stung to take court action against the Johannesburg *Star* for criticism of his handling of war news. His suit was rejected; the judge held that he had knowingly given moral support to the enemy. . . .

"Dr. Verwoerd stood for Parliament in 1948, but was defeated. He was, however, elected to the Senate. He rapidly mastered Parliamentary procedure and soon became Nationalist Whip. When Dr. Jansen became Governor-General in 1950 Dr. Verwoerd was appointed Minister of Native Affairs. In that office Dr. Jansen, like most of his predecessors, had been content to make haste as slowly as possible; his successor showed a different temper. . . .

"He is a fanatical believer in *apartheid* which he sincerely believes to be in the best interests of all races and, with a fanatic's rigid, logical consistency he has followed a policy designed to bring it about. Confronted with the old South African habit of talking segregation but applying integration, he found that he could get his policy applied only by ruthlessly collecting power into his own hands, and his career as Minister of Native Affairs has been a spectacular progress in widening the powers of this ministry. Dr. Verwoerd is contemptuous of opposition from outside his party and intolerant of opposition from within it. It has been rumoured from time to time that the Cabinet has been extremely unhappy about some of his legislation (including the notorious church clause)¹ but that he always got his way by bluntly threatening to resign if required to amend his plans.

"His attitude towards Opposition parties is typified by recent incidents in which he refused to answer questions about Africans in Parliament on the ground that no South African legislation referred to 'Africans', and that therefore there was nothing for him to reply to."

The Manchester Guardian (September 3, 1958) wrote: "While the election of Dr. Verwoerd will undoubtedly be viewed with misgiving among many of the former followers of Dr. Malan, including substantial business and industrial interests grouped round the senior Nationalist newspaper *Die Burger* in Cape Town, it must not be imagined that a split is likely to occur in the Nationalist Party. For one thing complete political control of *Die Burger* and its sister journals in Port Elizabeth and Bloemfontein has now passed to Dr. Verwoerd under a clause in the constitution of these newspapers which provides that the leader of the party directs their policy; and Dr. Verwoerd is not the kind of man to brook the slightest opposition from any quarter over which he exercises control. . . .

¹DIGEST IV, 5-V, 5.

"Dr. Verwoerd upholds the doctrine of *baaskap apartheid* which has displaced the original conception of entirely separate racial communities in favour of a mixed community under permanent European dominance; he looks forward eventually to seeing the greater part of the Native population living in Native Reserves, which will enjoy a large measure of self-management under European supervision, while a minority hold a subordinate position in European areas. Not much headway has been made yet towards even this modified form of *apartheid*; it will be interesting to see whether the choice of Dr. Verwoerd as Prime Minister will prove a stimulus to it. Whoever had been chosen as the next Prime Minister, one could not expect any noticeable change in Nationalist policy. Under Dr. Verwoerd's leadership it may become a little sharper and quicker in working out."

The *Natal Mercury* (September 3, 1958) wrote: "Newspapers not only in the Union but in Rhodesia splashed the news of the Premier's election. . . . The *Eastern Province Herald*, Port Elizabeth, said: 'The political die has been cast. The party extremists have won the day. They have voted into leadership of their party . . . the White supremacist.'

"The *Friend*, Bloemfontein, said the election of Dr. Verwoerd was clear evidence that . . . in general, power in the party was still in the hands of the extremists. . . . The *Cape Times* says of Dr. Verwoerd 'It would be unreal to pretend that his record inspires confidence that he is the right choice for leading this complicated country at this difficult time'.

"The *Rhodesia Herald* . . . said the Parliamentary caucus had elected a strong man as their leader—a leader of dynamic personality and single-minded purpose who kept his eyes on the target.

"The *Chronicle*, Bulawayo, said: 'The phase of internal organization of the Afrikaner people is virtually over. The second phase, in which the reformed and rehabilitated nation turns outward to make itself thoroughly permanently secure has begun in good earnest.'

"There was a mixed reaction amongst South Africa's non-Whites. Comments ranged from the openly hostile to the resigned. Dr. A. B. Xuma, veteran Native leader and one-time President of the African National Congress, said: 'He was the best possible candidate under the circumstances'. The national working committee of the A.N.C. in a statement said: 'The appointment . . . is yet another demonstration of the extent to which the Nationalist Party is committed to a policy of reaction and extremism. Dr. Verwoerd is the man who as Minister of Native Affairs pursued *apartheid* in all its naked ruthlessness and callousness. He leaves behind him in the Native Affairs Department a legacy of utter contempt for the African people.' The South African Indian Congress said: 'The election emphasizes the trend that exists in our country where political power is vested in a minority group whose fears have resulted in the adoption of the policy of *apartheid*.'"

Dr. Verwoerd said in a broadcast that he would devote all his energies to the establishment of a republic in South Africa "in such a way and at such a time that it will be lasting." The establishment of a republic would free the Union from any "one-sided attachment" and make it easier for her to strengthen bonds of friendship and co-operation with other nations. A republic was the only thing which would bring about complete unity between the English-speaking and Afrikaans-speaking sections of the White population.

The Nationalist Government's colour policy was still misunderstood, the Prime Minister said. It did not envisage oppression but full opportunities for all. "The policy of separate development is designed for happiness, security and stability provided by the Bantu, as well as the Whites, having their own home, language and administration." This policy was based on the principle that only in this way could the weak be protected from the strong and minority made to feel safe. Nobody need doubt that it would always be his aim to uphold the democratic institutions of the country. The Union Government had peaceful intentions and the greatest good will towards the outside world.

Dr. Verwoerd will continue to hold the portfolio of Native Affairs until the end of the present session of Parliament. (*The Times*, September 4, 1958.)

In an article in the *Rand Daily Mail* (August 20, 1958) Professor P. V. Pistorius¹ wrote: "To many it may seem that Dr. Verwoerd represents the most extreme form of nationalism, the absolute rock bottom, but that is not

¹DIGEST V, I and VI, 1.

so. There is not only no change in the trend towards extremism; there is not even a lessening of the rate of acceleration. Dr. Verwoerd (however impossible it may seem now) will in his turn be rejected for an even more extreme leader. . . .

"The United Party . . . is emasculated as an opposition. It is a completely harmless buffer between the National Party and the vast body of voters who feel that the policy of the present Government is leading to a clash between the races and the end of civilized life in South Africa. That the people believe there is some hope in the United Party is understandable. That the leaders encourage them in that hope is unforgivable. . . .

"What has been a task given by God and a challenge to humanity itself, has been demeaned by us to a petty quarrel of parties, of flags, of limited ideologies and of a desire to demean God himself to the status of a tribal god to whom the domination of one group is more important than eternal values, more important than justice and more important even than the world as a whole.

"There is only one possible solution, and that lies in the heart and conscience of the common man. We must accept our own humanity as being of more account than the specific language we speak or the specific colour of our skins. We must regard the brotherhood of man as more important than [that] of the group or the party. In that loyalty more than South Africa must be included. We are expendable, but humanity is not. If we can solve our problems, if we can do justice to one another, the very world could take heart. . . .

"Can that appeal also outstrip the leaders? [If not], let us put an end to all this [national] self-glorification. . . . The plain fact in that case is that we are criminals against humanity, and our petty squabbles about flags and republics and language rights and the 'divine calling' of a particular group or section constitute high treason against South Africa and the world, for which we will be punished by history."

Treason Trial¹

The Special Criminal Courts Amendment Bill passed its final reading in the Senate on July 21. It was opposed at all stages by the United Party and the Natives' Representatives, the main grounds of opposition being (a) that it deprived persons indicted on certain charges of the right to elect to be tried by a judge and two assessors, (b) that it gave the Minister of Justice wide and far-reaching powers, including the power to over-ride the opinion of the Attorney-General, and (c) that the measure would be retrospective to July 1 to cover the case of the special court already appointed to hear the treason trial and was thus "repugnant to the rule of law". Opposition speakers and the Press pointed out that the Minister had twice amended the law during the treason inquiry, each amendment coinciding with an exigency which arose during the hearing. The first amendment had made it possible for preparatory examinations and trials to proceed in the absence of the accused and the second had relaxed the formerly rigid rules governing the substantiation of documentary evidence.

The Minister of Justice, Mr. C. R. Swart, said that the Bill was in the interests of the State, of the administration of Justice, and of the accused, who would have the right to appeal to five judges whom he did not nominate. Before his decision to have the case heard before three judges he had consulted the Judge-President of the Transvaal about the judge to be appointed if the case were to be heard before a judge and two assessors. The Judge-President had nominated Mr. Justice Rumpff, who would now be the senior judge in the special court; Mr. Justice Rumpff had recommended the two other judges who would sit with him. (*Pretoria News*, July 8, 15, 18 and 22; *Rand Daily Mail*, July 15, 1958.)

In the early stages of the trial, which began on August 1, Mr. Justice Rumpff said that he had not been asked to nominate or recommend his two colleagues and "would never have had the audacity to do so". He had "never met Mr. Justice Kennedy before". (*Sunday Express*, August 10, 1958.)

Mr. Justice Rumpff, who was Chairman of the 1957 Delimitation Commission, was appointed to the bench in 1952; in that year he tried Dr. J. Moroka and nineteen other Non-European leaders on charges under the suppression of Communism Act, finding them guilty of "statutory communism". In 1947 he defended Mr. Oswald Pirow, Q.C. (leading

¹DIGEST IV, 4-5, V, I, VI, 1.

OBSERVATIONS ON TREASON TRIAL

By ERWIN N. GRISWOLD, Dean, Harvard Law School
American Observer at the Treason Trial.

THE TREASON TRIAL in South Africa is a fair trial as far as the trial itself goes. Indeed it is conducted with more calm and deliberation than might be found in some American trials where equal intensity of feeling is involved. Nevertheless there are aspects about the case which are disturbing. Should there be such a case at all? Is it feasible to try ninety-one persons at once on a charge of treason? How far is the case in substance and effect a political trial despite protestations to the contrary?

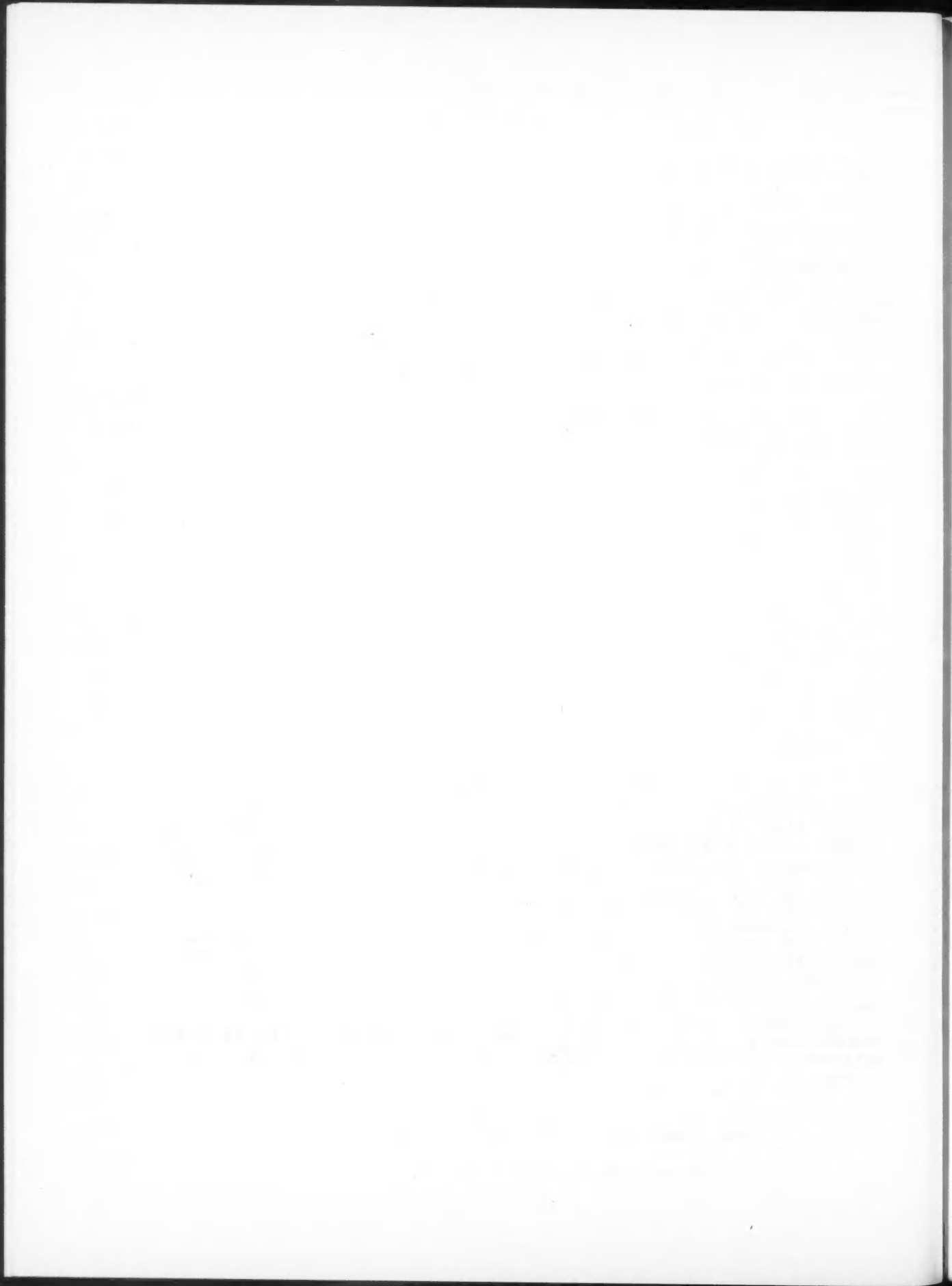
THE CHARGE OF TREASON in South Africa is not based on any precise definition of that term in the statutes, but is a matter of the Roman-Dutch common law. The Crown claims a much wider scope for this than would be expected in America. For instance, although a conspiracy lasting for more than four years is charged in the indictment, not one act of violence is advanced. The Crown in its argument to the court says that this is not necessary. It says that wholly peaceful opposition to the Government, including passive resistance, constitutes treason. It says that the only lawful opposition to enacted laws is through action by the voters. What this means in South Africa is obvious when it is recalled that with only negligible exceptions the only voters are "Europeans" - that is, white people. The ten million Africans, Indians and Coloreds - out of a total population of less than thirteen million - are completely disfranchised for all practical purposes. Yet they are told that any steps they may take, without violence, to seek changes in the law are not only illegal but are, indeed, treason.

WHETHER THE COURT will so hold, what the evidence will be, are matters yet to appear. One can have confidence that the court will decide according to law. Less confidence may be in order as to how that law will appear to outside eyes. In a very real sense the Treason Trial, though important in itself, is more important as a symptom of the vast underlying problem in South Africa, aggravated by intractable Government policies. Thus, it may well be felt that the case takes on even greater significance simply because the court is fair. It is fashionable in South Africa to say that outsiders cannot properly comment because they do not understand the problems. There is an element of truth in this, of course, but it should not serve as an impervious protective shell. Under current world conditions, the outside world is inevitably concerned with the adjustment of racial problems in so important a part of the earth.

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counsel for the Crown in the Treason Trial) when he was charged with and found guilty of "incitement to violence". The charge arose from an article entitled "Take the law into your own hands".

Mr. Justice Ludorf defended Robey Leibbrandt who was arraigned and found guilty in 1942 after landing from a German yacht. He became an acting judge in 1952 and a permanent member of the bench in 1955. In the 1943 General Election he was defeated by General Smuts at Standerton. Judge Kennedy was a judge of the Native High Court in Natal from 1950 until its abolition, when he was transferred to the Natal Supreme Court. (*Pretoria News*, July 2; *Contact*, July 26; *Rand Daily Mail*, July 31, 1958.)

Among overseas observers at the opening of the Treason Trial were Professor Erwin N. Griswold, head of the Harvard Law School at Harvard University, Dr. Eduard Hambro, a former registrar of the International Court of Justice at the Hague, who held a "watching brief" for the International Commission of Jurists; and Mr. F. H. Lawton, Q.C., representing the British section of the Commission. Mr. Swart said that these observers were all welcome and special facilities would be made available to them, although he did not know why they were holding watching briefs. South Africa was not ashamed of its judicial system and had nothing to conceal. (*Sunday Express*, July 27, 1958.)

The Crown asked Fr. Joseph Bochenski, O.P., a Polish Dominican priest from Switzerland, to give expert witness on Communism. A copy of his written evidence was given to the defence. (*Sunday Express*, July 20, 1958.)

The *Sunday Express* (August 17, 1958) reported that Mr. O. Pirow, Q.C., had appointed Mrs. Mapula Rood to the post of "Press Attaché for the Crown". She would send reports of the trial for dissemination overseas by the State Information Service. Both the Attorney-General for the Transvaal and the Director of the Information Service denied all knowledge of the appointment, for which there was no precedent.

On August 1, the Crown announced that it had decided to withdraw the indictment against Mr. H. G. Makgothi, who was in hospital. (*New Age*, August 7, 1958.) Mr. Swart said earlier that he did not intend to compensate any of the accused who had been released. (*Rand Daily Mail* July 16, 1958.)

The indictment charged the ninety-one remaining accused with high treason; alternatively, contravening Section 11(b) of Act 44 of 1950 (the Suppression of Communism Act) as amended by Act 50 of 1951 and Act 15 of 1954; alternatively, contravening Section 11 (a) of Act 44 of 1950, as amended. The main charge was that the accused were guilty of high treason in that during the period October 1, 1952, to December 13, 1956, they, "acting in concert and with common purpose . . . did . . . (a) disturb, impair or endanger the existence, the independence or safety or security or authority of the State; or (b) Attempt or actively prepare to subvert or overthrow the State, or to disturb, impair or endanger the existence, independence or safety or security or authority of the State by committing certain hostile and overt acts against the State".

The alternative charges concerned the Suppression of Communism Act, both in respect of advocacy of Communism and the statutory offence of planning to bring about change by means which include the promotion of disturbance and disorder. (*Star*, August 1, 1958.)

One hundred and fifty-two persons were named as "fellow conspirators" of the accused, their names being listed in Schedule B of the indictment, but the "conspirators" themselves were not charged with any offence. A number of them appeared at the preliminary inquiry, but were subsequently discharged. (*Sunday Express*, August 10, 1958.)

When the trial opened, Mr. I. A. Maisels, Q.C. (leader of the Defence Counsel) made an application for the recusal of Mr. Ludorf and Mr. Rumpff. Addressing Mr. Justice Ludorf, Mr. Maisels recalled an application made to court in 1954 to have the police excluded from a conference called as part of the preparations for the Congress of the People in which matter Mr. Ludorf (then a member of the Johannesburg Bar) acted as advocate for the police. Affidavits filed in connexion with that matter quoted a number of documents which were Crown exhibits in the present trial; mentioned the then current investigations into alleged high treason, and quoted from speeches made by persons presently indicted for high treason. Extracts from these speeches formed important parts of the

present indictment. An affidavit by the then Deputy-Commissioner of Police and head of the Union C.I.D. submitted during the 1954 proceedings stated that after consultations between the Minister of Justice, his legal advisors and senior police officers, it had been decided that it was not in the public interest to reveal the nature of police investigations at the time. "What has been established in the minds of the accused at least, is that the Minister of Justice (for that was his case) has appointed as one of the judges in this case his advocate in that case. . . ."

Stressing that he accepted that when a barrister was elevated to the bench he shed his politics, Mr. Maisels submitted that the present case was no ordinary one; Mr. Ludorf, during part of the period covered by the treason indictment, had had "close and active association" with the political party against whom and whose policies the accused were alleged to have directed strong and intemperate attacks, which attacks were alleged to form part of the acts of high treason. "Your Lordship with the best will in the world, as one actively concerned with supporting this party, may not be able to take a completely dispassionate view of the conduct of the accused."

Mr. Maisels asked Mr. Justice Rumpff to withdraw on the ground that he had been a party to the appointment of Mr. Ludorf although he knew that Mr. Ludorf had been the Minister's advocate in the 1954 case, over which Mr. Rumpff had himself presided.

After a short adjournment, Mr. Justice Ludorf recused himself. He said that until the matter of the 1954 case had been raised in court it had not occurred to him that there was any connexion between the two sets of proceedings; though he believed he had had discussions with the police at the time, he could not recall them and they had in no way influenced his attitude to the trial. But there was sufficient overlapping in the facts of the two cases for fear of the accused that he could not be unbiased to be reasonable. On the Defence objection to his past political associations he said Mr. Maisels had overlooked that the accused had "fulminated with equal vigour against the United Party and even Mr. Paton's Liberal Party". If this had been the sole objection to his sitting in the trial, he would not have recused himself.

Mr. Justice Rumpff said that if the accused reasonably thought that he had recommended Mr. Justice Ludorf, knowing that he appeared as Counsel for the police in the 1954 proceedings, they were entitled to put the newspaper reports before him and to inform him of their fear. "Whatever was said by the Minister of Justice it is my duty to state the facts to the accused. On these facts their fear need no longer exist, as it was based on wrong information. . . . I have no choice but to follow the dictates of my conscience and refuse the application for recusal."

Mr. Justice Simon Bekker of the Transvaal Bench was appointed in place of Mr. Ludorf (*Star*, August 1, *Pretoria News*, August 4 and 7, 1958.)

When the trial resumed on August 11 a Defence notice excepting to the charges and containing an application for them to be quashed was handed in to court. Mr. Maisels argued the notice on the following main grounds: the charge, read with the particulars, did not disclose any offence; the facts did not support the allegation that the accused acted in concert and with common purposes; the joinder of the accused in the charge of treason was irregular, contrary to law and calculated to prejudice the accused in their defence; the allegations in the main charge were inconsistent with facts in certain parts of the indictment and the particulars; the allegation that all the accused committed certain overt acts referred to in the main charge was inconsistent with the alleged facts given, from which it appeared that not all of the accused were alleged to have committed these acts; the charge did not set out the alleged offences with sufficient particularity to make clear to the accused the case which they would have to meet; the repeated use of the expression "and/or" was burdensome and oppressive and prejudicial to the accused; the charge was prejudicial in that the Crown alleged as one conspiracy what appeared to be more conspiracies than one; the accused were alleged to have committed certain acts which are not acts of high treason.

The Defence submission was that the elementary rules in framing an indictment had not been complied with. Each accused had to know with what he was being charged. The Crown attitude appeared to be: "You ask us to tell you why you have been joined in this trial? You can't expect us

to tell you that. Read the whole preparatory examination record (forty volumes of 8,000 pages); and all the exhibits (9,000 to 10,000 documents) and also all those documents found in the possession of individuals and organization all over the country, and you will be able to deduce what the charges against you are." If the Crown found it too difficult to tell each accused what the case against him was it had no right to bring charges against him. It was not complying with the provisions of the Criminal Code.

Mr. Maisels dealt with the extensive use of the expression "and/or" in the indictment. Three paragraphs alone of a section of the indictment contained this expression nineteen times and an actuary had calculated that with each of the charges in each paragraph alternated with each of the others the accused faced 498,015 charges in all. The Crown had also added the words "*inter alia*", which meant the number of counts was infinite. He asked: "Would it be unfair to say that the Crown appears to be a little uncertain on the terms of its conspiracy?"

On the basis of the Crown's indictment the case could go on for years. There was no objection to a mass trial as long as there was a single overt act, but the indictment dealt with hundreds of acts. If the Freedom Charter and the Congress of the People were a conspiracy for high treason, the trial should be based on that. The defence would welcome a trial embarked on in that way.

Mr. Pirow said that the Crown was relying for its case on one charge of high treason, a number of overt acts and one common purpose. Mr. Maisels then suggested that there was no reason why the Attorney-Generals of the respective provinces could not have charged the accused in their own provinces, and pointed out that if the Crown held that the creation of discontent by a speech at a public meeting was high treason, "we shall have to abandon what we have learnt over hundreds of years about the principle of free speech".

Mr. A. Fisher, Q.C. outlined the defence objections to the two alternative charges farmed under the Suppression of Communism Act, following roundly the same lines as Mr. Maisels. (*Pretoria News*, August 11-13; *Rand Daily Mail*, August 14, 1958.)

Mr. J. J. Trengove, for the Crown, said that Mr. Maisels had "thrown in everything he [had] in an attempt to find some weakness in [the] indictment". In the main charge, Mr. Trengove said, each of the accused was clearly and solely charged with having committed the crime of high treason in his individual capacity. Each of the accused had had hostile intentions, had disturbed or endangered the safety of the State, and had committed overt acts. "In committing these hostile acts the accused were acting in concert and with common purpose." He then quoted extensively from legal authorities in order to clarify the nature of high treason. "Any act, whatever its nature, may be punishable, provided it is calculated to injure the State." In the nature of the present case, the act may have been purely preparatory—the accused were on trial because their plans had not reached successful fruition.

The safety of the State was so important a matter that even the remotest danger to the State must be nipped in the bud. A difficulty the State often faced was that isolated acts might appear quite innocent; and it was only at a point of time that these isolated acts exhibited the existence of a scheme or a conspiracy to overthrow the State; and it was only at this point that the State could bring a prosecution for high treason. The Crown was entitled to lead very wide evidence to prove the existence of a conspiracy, because in most cases the conspiracy had to be inferred.

Mr. Trengove submitted that the effect of the principles involved in many authorities, which he had quoted, was that the essence of high treason was "the wicked intention", provided there was manifestation of "the wicked mind". "This wicked intention can be manifested in as many overt acts as can be visualized. The crime is the existence of this state of mind, which is proved and carried over into action by overt acts. There was no question of distinguishing between the wicked intention, the state of mind and the action. . . . Even if a common purpose was never achieved, the overt act represented the crime. There was no question of persons aiding or abetting, being accessories to the crime, and no question of organizations." The act of joining an organization or group, in whatever capacity, constituted an overt act. Mr. Trengove compared the crime of treason with a polluted stream. Anybody who entered the stream at any point

became polluted, irrespective of where he had entered it. In the present case, the pollution began in 1952. Acts committed by others who had entered the stream earlier than a particular accused could be proved against him as evidence of the grand design, which was the ultimate object of the conspiracy.

All overt acts alleged to be treasonable should be linked with violence or illegality, "but if the accused seek to overthrow the State by illegal or unconstitutional means, it is of no consequence what those illegal or unconstitutional means are".

Mr. Trengove then outlined the Crown's view on the question of alleging common purpose by the accused. "They must be in agreement in respect of the result—and it is the result they must contemplate. In a conspiracy, one conspirator might not know all the other conspirators, and it might be convenient in a secret society, for instance, for a member not to know all the objects. But, even if he did not know the other members or all the objects, he would have to admit: 'I know that I am a conspirator'."

In a surprise request when the court assembled on August 15, Mr. Pirow asked for an adjournment so that he could discuss with the Defence the possibility of "limiting the scope of the trial". After Mr. Justice Rumpff had remarked that such a limitation would be "highly desirable" this request was granted. (*Pretoria News*, August 14 and 15, 1958.)

When the trial resumed on August 18, Mr. Pirow announced that the attempt to come to an "agreement" had failed, but that the time taken by the discussions had not been altogether wasted. Mr. Maisels replied that it would be better to consider the possible limitation of the scope of the trial after the court had given a decision on the application to quash the indictment.

Mr. Trengove, resuming his argument, said the indictment was not a jigsaw puzzle. No single accused was left in any doubt regarding the alleged conspiracy and his alleged participation in it. He denied that it was impossible for each accused to know exactly what the case against him was. He agreed, however, that not all the accused were in the conspiracy until June 25, 1955.

In answer to the Defence request that the Crown set out separately the facts on which each accused could be expected to prepare his defence, Mr. Trengove said it was not necessary to set out each and every fact. Mr. Justice Rumpff asked if Mr. Trengove accepted that it was desirable to give as much information as possible in relation to each accused. Mr. Trengove said the Crown accepted that and the accused were told to be prepared to defend themselves on the basis of evidence given at the preparatory examination in the light of the summary of facts given in the indictment.

Hostile Intent in the crime of high treason was not merely to achieve government or a new government, it was achieving government or a new government by means outside the constitution and which were therefore illegal or unlawful. Mr. Justice Rumpff asked whether those means must not be forceful means in one way or another, and whether an attempt to force the government by passive resistance would be treason. Mr. Trengove said that it would be high treason. He said that on the authority of the *Leibbrandt* case "there is no intermediate action between the ballot box and a treasonable action by means of force. No programme aiming at change by other than constitutional means is a lawful programme. If the means were legal it did not absolve the parties to the conspiracy from responsibility if the aim was to achieve a change outside a constitutional sphere."

Mr. G. G. Hoexter, giving the Crown's reply to the Defence exception to the alternative charges contended that advocacy of Communism in terms of the Act did not in so many words stress the necessity for some direct communication between the encourager and the encouraged. Mr. Justice Bekker asked whether it was not a reasonable construction on the Act to suggest that for "advocacy" there must be an audience. Mr. Hoexter said it was a possible construction, but not a reasonable one.

Mr. Hoexter dealt with the Defence complaint that it was not clear on which doctrine or exposition of Marxian Socialism the Crown relied in the alternative charges. He contended that the Suppression of Communism Act cited a doctrine and there the matter rested. He agreed that there was difficulty in telling the Defence what the doctrine was, but the Crown was

not obliged to tell them. He said that the judges had to assume a complete judicial ignorance of the scope of the doctrine. Mr. Justice Rumpff pointed out that the Court was in actual ignorance of the doctrine and that by the same token the Defence was in actual ignorance. Mr. Justice Bekker said that therefore only the Crown knew what the doctrine was. Mr. Hoexter maintained that it was not necessary to go beyond the definition in the Act itself and that the accused had the relevant sub-section and knew what to prepare themselves on.

In reply to the Defence contention that mere possession of a document advocating communism could not be said to be an act calculated to further the achievements of the objects of communism, Mr. Hoexter said that possession was an "act", and that it could be calculated to further the achievement of the objects of communism.

Mr. Pirow made application to amend the indictment. He said the object of his amendment was to limit the references to the preparatory examination in adducing facts on which adherence to the conspiracy was alleged to be based. His second proposed amendment related to certain documents found in possession of the accused, or of certain bodies. Some of these documents had been given numbers at the preparatory examination, but had not been handed in. He proposed that these documents be excised. Mr. Maisels said that the proposed amendments did not remove the embarrassment in the indictment.

Mr. Sydney Kentridge for the Defence said that "advocacy" could mean only one thing and that was that "persuasion" was directed to the minds of other persons. Possession of documents in itself was not the performance of any act. The documents as such were not advocating anything; in any case it was the persons who were on trial for "advocacy" and not the documents. The alternative charges under the Suppression of Communism Act were "beyond surgery" and should be "quietly buried".

Mr. H. Nicholas characterized the indictment as "a confused unmanageable mess". He quoted numerous cases to show that the indictment should have set out separate overt acts or counts against each accused. He also dealt with the principles governing liability in cases of treason and said these were exactly the same as those which obtained in respect of any crimes. He pointed out that the Crown said that high treason was committed when the hostile intent became manifest and that the defence said that no crime was committed until an overt act—accompanied by a hostile intent—had taken place.

Mr. Maisels, summing up the argument, said the Crown had conceded that it could not claim retrospective liability for any accused for acts committed before he entered the alleged conspiracy. This was contradicted in the present indictment which was for that reason "a graphic example of mis-joinder of persons". (*Pretoria News*, August 18-22, 1958.)

Judgement on the Defence application was given on August 27. Although the main charge of high treason was allowed to stand, the first alternative charge, that of advocating, advising, defending or encouraging communism as defined in the Act, was quashed. The court ordered the Crown to supply each of the accused with details of the acts alleged to have been committed. The Crown was given leave to amend the indictment.

Mr. Justice Rumpff said that it was not presently within the court's powers to assess whether the accused would suffer from a joint trial, but if during the course of the trial it should transpire that such would be the case the possibility of a separation of trials was not excluded. The Court adjourned until September 20. (*Pretoria News*, August 27, 1958.)

The Treason Trial Defence Fund issues a weekly *Press Summary* giving a résumé of the proceedings of the trial.

The Trustees said that the Fund had already spent £53,000, and that at least another £100,000 would probably be required for legal and welfare expenses.

Contributions should be sent to Box 2864, Johannesburg, Transvaal, or to Christian Action, 2 Amen Court, London, E.C.4.

The Pietermaritzburg City Council rejected an application by the sponsors to hold a fund-raising film show in a local cinema. The Mayor, Mr. C. B. Downes, who gave his casting vote against the application, said he thought the proposal had "certain political implications". Appealing to the Council to reconsider its decision, Mr. Alan Paton said that Mr. Downes "[had] no right to cast doubts on an officially recognized welfare

association as long as its activities [were] legitimately conducted". Professor Leo Kuper said the issue was "one of justice" and the Mayor had "imported political considerations" into it. (*Natal Daily News*, August 29, 1958.)

Damages of £400 were awarded to Mr. Ernest Christie, a former photographer on the *Rand Daily Mail* by Mr. Justice Ramsbottom in the Rand Supreme Court. Mr. Christie had claimed £1,250 from the Minister of Justice for unlawful arrest and detention outside the Drill Hall, Johannesburg, on December 20, 1956, the second day of the preparatory examination of treason allegations.¹ The defendant was also ordered to pay the costs of the action brought by Mr. Christie. In his judgement, Mr. Justice Ramsbottom said the arrest and detention were a deliberate invasion of Mr. Christie's rights. In assessing the damages, he took into consideration this and other factors. (*South Africa*, August 2, 1958.)

Alan Paton Cleared²

Mr. Paton, Professor Leo Kuper, H. E. Mall, M. K. Hathorn, Selbourne Mahonya and Florence Mkize had their convictions for attending a meeting in the Ghandi library on December 6, 1956, without the permission of the Mayor set aside by a full bench of the Natal Supreme Court.

Mr. Justice Holmes said that the meeting had been convened following the arrest in various parts of the country of a number of people on allegations of treason, there were fifty Europeans, 150 Indians and 200 Natives present. In the opinion of the Court this was not "a meeting of Natives", despite the previous judgement on this point given by Mr. Justice Caney. Concurring in the judgement were Mr. Justice Brokensha and Mr. Acting Justice Fannin. (*Star*, August 1, 1958.)

Assault on Chief Luthuli

The *Rand Daily Mail* (August 23, 1958) wrote: "Screaming obscene abuse, a group of about thirty hooligans tried to break up a Pretoria Political Study Group meeting which was addressed by Chief Albert Luthuli, president of the African National Congress. [They] kicked Chief Luthuli until he lay motionless under the speaker's table. Three women who tried to shield him were brutally assaulted and one of them was kicked in the stomach. Members of the audience retaliated and tables were overturned. Many blows were struck before armed police in three riot vans arrived to restore order.

"When the chairman, Mr. J. G. Serfontein, started to introduce Chief Luthuli, a man, shabbily dressed, entered the hall, and a long file of men followed him. As they took their places next to the rows of chairs in the hall, the leader jumped on to the platform. He said: 'I represent the Afrikaner people here tonight. The time has come for drastic action and we will not allow a Kaffir to address this meeting.' When Mr. Serfontein tried to quieten him he flung Mr. Serfontein across the platform.

"After the police had quelled the riot . . . the meeting continued."

In his address to the Group, Mr. Luthuli said the European people of South Africa should educate the African people by precept and example. The solution to race problems should be sought in some other way than race domination by the Europeans. Domination was breeding ill-will and enmity replacing amity. Africans found great difficulty in accepting the Tomlinson report. He was not convinced that even with the incorporation of the Protectorates there would be "sufficient working material" in Bantu areas for any such plan to succeed.

A Cabinet Minister had said the Native must be given an education to fit his station in life. The trouble was that his station in life was, for the time being, inferior, and no people would be content to accept an education which would not raise them above this station.

Africans had many grievances. There were economic restrictions; the attempt to raise their families to a civilized standard of life on low wages; the disruptive labour system which broke up family life; the industrial laws debarring them from participating in skilled employment. "We are hardly born by permission," he said, "why should we have to live by permission?"

Asked how the Africans expected to realize their aspirations, he said,

¹DIGEST IV, 4.

²DIGEST IV, 5 and V, 1.

"By meetings such as these. You will see the reasonableness of our case." Generally speaking, the Africans never expressed hostility towards Europeans. No African leader of any stature had ever said "South Africa for the Africans. Moreover, we still want you to teach us a lot of things you haven't taught us. . . . The local government entrusted to Natives is no training for democracy. Education for a Native chief under the Bantu Education Act does not fit him for the modern world."

Thanking Mr. Luthuli, Brigadier Bronkhorst said it was the first time many Europeans had heard the point of view of the Native. Many differences but also much agreement would emerge from such discussions, but eventually all would realize that both White and Black were here to stay and that they could live together in peace, harmony and good will.

World Press correspondents and embassy officials "had a ringside seat" at the meeting. Others present were two women social study workers from the United Kingdom; clergymen of the Afrikaans and English churches; professors and lecturers of the universities of Pretoria and South Africa; and Mr. Daan Verwoerd, son of the Prime Minister.

Major P. W. van Heerden, acting District Commandant, said that no arrests had been made; several people had been questioned by the police but had been released afterwards. Six charges had been laid, five by Europeans and one by an African. Police were investigating the whole matter. (*Pretoria News*, August 23, 1958.)

Sunday Express (August 24, 1958) reported that the hooligans had preceded their attack with a "protest meeting" on Church Square. They then moved in a body of about thirty, led by a man who claimed to represent the Afrikaners. An official of a Nationalist Party branch in the Pretoria district was reported to be one of them. An "organizer" had spent the morning among men at Iscor and other places in Pretoria recruiting the hooligans.

Professor P. V. Pistorius, who attended the Study Group meeting, said the events were a challenge to the Government. "How will they react to this crime against the State? It boils down to gross unconstitutionality. Crimes have been committed against individuals and the State that cannot but put South Africa in a bad light everywhere."

If reports that people had gathered at Paul Kruger's statue before the meeting to plan their moves were true, "then surely their behaviour is more than assault and must fall under the Riotous Assemblies Act. They came together with the express purpose of creating a disturbance and assaulting people". He hoped the Government would see the incident in a grave light.

Mr. Peter Brown, national chairman of the Liberal Party, said the assault on Chief Luthuli was "an unpleasant reminder of the serious deterioration in race relations and in standards of public behaviour, which have become a feature of South African life. The Nationalist Party must take the blame for this deterioration. By its emphasis on group thinking, by its efforts to keep people of one group from getting to meet and know people of another group, it has produced a situation where to many White South Africans it is unthinkable that a member of another group should address a meeting at which White people are present". (*Pretoria News*, August 23 and 26, 1958.)

Emergency Ban¹

The ban on meetings attended by more than ten Africans (imposed a few weeks before the general election) was withdrawn in all major urban areas on August 29. It is still in force in certain other areas, including Alexandra Township, Evaton, Marico district, Mafeking Reserve, the municipal area of Grahamstown and the Districts of Port Elizabeth, Humansdorp and Cradock.

The Department of Native Affairs stated that the Minister wished it to be clearly understood that should conditions such as those necessitating the earlier imposition of the ban again occur, the notices which had been withdrawn would immediately be reapplied. (*Natal Daily News*, August 29, 1958.)

Among public meetings prohibited in terms of the ban were those called by the Black Sash in protest against the Special Courts Bill, the proposed increase in African taxation and the "Teenage Vote Bill". (*Star*, July 23 and 30; August 7; *Rand Daily Mail*, August 12, 1958.)

¹DIGEST V, 6 and VI, 1.

The Franchise

The Union Parliament has passed an Electoral Law Amendment Bill reducing the voting age of Whites from 21 to 18 years. Those affected (estimated at some 150,000) will have their first opportunity of voting at the Provincial Council elections next year.

The Bill was strongly opposed by the United Party, whose members said that the youth were too inexperienced to be given a voice in the affairs of the country.

Sir De Villiers Graaff said the Bill would have "a bad effect" on the Non-Whites, especially the Cape Coloureds, who had been told that the franchise was something earned as a result of experience and sacrifice. The Bill had been introduced because the Government felt it could gain no further support from among the adults of the country and hoped this would come from those now to be enfranchised. If the Bill were passed, politics would play a greater role in schools than it did already.

An amendment by Mr. C. Barnett (Coloureds' Representative) that the voting age of Coloured people who had certain qualifications should also be lowered to 18 years, was ruled out of order by the Chairman who said the amendment extended the scope of the Bill as approved at the second reading.

Mrs. V. M. L. Ballinger (Natives' Representative) said that if the argument was valid that youths would become more responsible if they were given more responsibilities to shoulder, then the same argument was valid in the case of Non-Whites. But the Government refused these people a voice in the country's affairs on the ground that they did not have the necessary sense of responsibility. The voting age should be raised rather than lowered, and all races should be granted the same voting rights. It was dangerous to deny educated Natives the rights granted to European youths. (*Pretoria News*, August 14 and 21; *Rand Daily Mail*, August 23; *The Times*, September 11, 1958.)

The *Rand Daily Mail* (August 11 and 21, 1958) wrote: "According to figures given in a report by the Superintendent-General of Schools in the Cape, there were 1,230 school-going [Europeans] in the Cape over 18, and 200 over 19, making a total of 1,450. In addition there were 4,700 between the age of 17 and 18, and of these at least half would be 18 by the end of the year. . . .

"[The Bill] is of the same character as the High Court of Parliament Act, the Coloured Vote Act and the Senate Act. Like these deplorable predecessors, the 'Teen-age Vote Bill' has no authentic origins in public demand, public need or the public good. . . . It is merely a creature of political expediency, and when it is put into force, it will have the same synthetic, twilight existence as has the enlarged Senate, which is an irrelevancy and a reproach. . . .

"When pressure from Non-Whites for political rights increases, as it surely will soon, the fact that we have extended the vote to White juveniles will be a major embarrassment. Those who are most concerned about resisting this pressure should consider the point very seriously now."

Among the students at Stellenbosch University, nearly 60 per cent in a representative poll were opposed to the extension of the vote to 18-year-olds. Rather more than a third favoured the vote, and a minority of 4.2 per cent, expressed no opinion. Of those against, almost three-quarters indicated that they had supported the Nationalist Party.

A separate poll of theological students at Stellenbosch revealed that a majority of 61 per cent were opposed to the extension of the vote. (*Sunday Times*, August 24, 1958.)

Mr. Louw and the Press

The Minister of External Affairs, Mr. E. H. Louw, speaking on the S.A. Information Service Vote in the Assembly, quoted examples of what he called "a campaign of calumny against South Africa" by foreign correspondents and "stringers" for overseas newspapers.

Mr. Louw said that in some papers there had been "deliberate distortion of news about South Africa", in others the news had been "presented with a certain slant". An analysis had been made of what he termed "positive" news—news giving "both sides". It showed that *The Scotsman* and *The Times* published only 11 per cent of positive news about South Africa, *The Daily Telegraph* only 13 per cent and *The Observer* 10 per cent.

Other journals attacked in this speech were *Africa South* and the American *Saturday Review* (*Rand Daily Mail*, August 20, 1958.)

Pretoria News (August 20, 1958) wrote: "A report which would appear to Mr. Louw to give only one side of an issue might quite well appear to the writer, to his newspaper and to a great many people who do not share Mr. Louw's assumptions to be an accurate and objective account of reality.

"On the other side might be recalled the reporting of the bus boycott in the *Digest of South African Affairs*, one of the publications of Mr. Louw's State Information Office. No doubt to Mr. Louw and to the State Information Office that [report] appeared to be accurate and objective—to very many other people it appeared at least one-sided. The only way to prevent the appearance of an accurate report reflecting a different judgement is to impose censorship, and allow only an authorized version to be issued. It is to be hoped that this is not Mr. Louw's intention."

South Africa Back in U.N.

Mr. Louw told Parliament that South Africa would return to full participation in the United Nations. He would attend the forthcoming Assembly meetings for part of the session, accompanied by Mr. Jooste, Secretary for External Affairs. A special representative, with the status of Minister Plenipotentiary, would be appointed as permanent delegate. The new representative would be Mr. B. G. Fourie, at present Assistant Secretary for African Affairs.

The Minister said he was encouraged by an assurance that on relations with India, the status of South-West Africa and racial policy "as it affects the relations of the Union with the U.N." he had the substantial support of the Opposition. The government of India had not shown any signs of wanting to end the dispute with South Africa, but as a result of the Pakistan mission to the Union several years ago, trade relations with Pakistan had been restored.

Recalling that in 1956 South Africa withdrew from the U.N., except for token representation because of continual discussion of her domestic policies, Mr. Louw said that recently there had been a more friendly attitude at the United Nations towards South Africa. This culminated in the appointment of a good offices committee charged with an attempt to improve relations between the U.N. and South Africa.

When South Africa returned to the U.N. she would still withdraw from all discussions of her domestic policies, still standing inflexibly on Article II (7) of the Charter.

Preliminary reactions to Mr. Louw's statement were uniformly favourable. (*The Times*, July 16 and August 20, 1958.)

The *Star* (July 15, 1958) wrote: "It is to be hoped that the Government's changed policy will be accompanied by a change of temper. Unlike some other countries which have had to face barrages of criticism in U.N. debates—France and Britain for instance—South Africa has been far too touchy. In future our representatives at the United Nations should maintain their sang-froid and meet criticisms with arguments and insults with a smile. In governments as in individuals sulking is a sign of immaturity."

The *Times* (July 17, 1958) suggested that the return of South Africa to full participation in the work of the U.N. "[might] not be wholly unrelated to the economic situation disclosed in [the] budget", which showed that the Union needed to rely on the comity of nations "to see it through a period of rising costs and threatened external credit".

In a letter to the Secretary-General of the U.N. the permanent representatives of eleven member countries asked that the Assembly in its thirteenth annual session put on its agenda an item: "The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa". The countries were Ceylon, Ghana, Greece, Haiti, India, Indonesia, Iran, Ireland, Malay, the United Arab Republic and Uruguay.

An explanatory memorandum recalled that the Assembly last year considered this question for the sixth successive year and on November 26 adopted a resolution on it, appealing to South Africa to revise its race policy in the light of United Nations Charter principles and of world opinion and to inform the Secretary-General of its response. "There is no indication yet," said the memorandum, "that the Government of the Union of South Africa has taken any steps in response to the appeal. . . .

The situation . . . continues unameliorated [and] a grave threat to peaceful relations between ethnic groups of the world. In the circumstances the Assembly undoubtedly would wish to consider the question again" with a view to "taking appropriate steps in the light of the prevailing situation so as to secure adherence to the provision of the Charter and the Universal Declaration of Human Rights".

This was the first time that European countries had joined in a proposal for putting the question on the Assembly's agenda. (*Pretoria News*, August 15, 1958.)

University Apartheid¹

The report of the Commission of Inquiry into separate university education for Whites and Non-Whites, tabled in the House of Assembly on August 13, contained a majority report signed by the Nationalist Party members and a minority report signed by the United Party members and Mrs. Margaret Ballinger (Natives' Representative).

The majority report recommended that as from dates to be fixed by the Government, Non-Whites should not be permitted to register as students at existing universities, excluding the University of South Africa (which conducts its courses by correspondence) and the Durban Medical School. Students already registered should be allowed to complete their courses. Each Non-European university should be controlled by a Government-appointed council and advisory council, a senate consisting of the rector and the teaching staff and an advisory senate consisting of "such professors and lecturers as the Minister, after consultation with the council, may from time to time designate". The university colleges and the groups concerned would have to undergo a process of development before they would be capable of managing their own full-fledged universities.

The minority report said: "Both the original (Separate University Education) Bill and the Bill submitted by the majority of the commission envisage a plan for State institutions divided sharply on racial lines at all levels and served mainly by State employees. In contradistinction to this plan the pattern of the Bill submitted by the minority follows closely [the statutes] of the university colleges which constituted the University of South Africa from 1916 to 1950, a pattern only slightly modified in the statutes of the existing universities to meet the demands of their higher status. In choosing this pattern we feel that we are not only justified by South African experience but that we are supported by the weight of evidence submitted to the commission by witnesses from all groups of the population and particularly by those of wide experience and high academic standing."

The minority report rejected the principle of racial separation implicit in the scheme for two councils and two senates, and recommended the establishment of one council and one senate for each university college, each council to have representatives other than Government nominees and to have full rights as a body corporate, including the right to appoint staff subject to the approval of the Minister. It rejected "exclusive ethnic divisions as the foundation of any university college" and the proposal that the funds for Bantu colleges should be provided through the Bantu Education Account. It recommended: that the new colleges should initially be associated with one or another of the existing universities; that the closing of the 'open' universities should be postponed for at least ten years; and that the Minister in charge of higher education for Africans should be the Minister of Education, Arts and Science and not the Minister of Native Affairs. (*Pretoria News*, August 13, and *South Africa*, August 23, 1958.)

A Bill drawn up in conformity with the majority report was given a first reading in the Assembly on August 14, under the title Extension of University Education Bill. It was introduced by the Minister of Education, Arts and Science, Mr. M. D. C. de Wet Nel, who was Chairman of the Commission of Inquiry.

Pretoria News (August 15, 1958) reported that the Bill contained a clause exempting from its provisions "representatives of a foreign government or members of their families".

The *Sunday Times* (August 17, 1958) reported that the "conscience clause", which had been included in the original Bill, had been omitted from the new Bill. The clause read: "No test of religious belief shall be

¹DIGEST IV, 4-VI, 1.

imposed on any person as a condition of his becoming or continuing to be a professor, lecturer, teacher or student of a university college, or of his holding any office or receiving any emolument, or exercising any privileges therein. Nor shall any preference be given to or advantage be withheld from any person on the ground of his religious belief."

The only South African university which does not have this clause in its statute is the Potchefstroom University for Christian Higher Education.

A resolution deploring the omission of the "vital safeguard" of the conscience clause from the Bill was adopted at a special meeting of the Council of the University of the Witwatersrand. It said: "... The protection given by the 'conscience clause' is imperative when, as under the Bill, persons of a particular ethnic group, having various religious beliefs, will be confined to a particular Non-White university college, with no alternative access to university education." (*Pretoria News*, August 22, 1958.)

A statement issued by the Academic Freedom Committee, appointed by the Council and Senate of the University of Cape Town, also criticized the omission of the conscience clause. In addition, it said that the title of the Bill was a misnomer: if its aim really was to extend university education in South Africa it would have provided for the building up of existing universities and, if necessary, for the creation of a new one, and it would have done nothing else. In fact, however, the Bill provided for the creation of new institutions, which would not be real universities, and also for the compulsory separation of all White and Non-White students into different institutions. The Committee objected "to both these things" and to the provisions laid down in the Bill for the control of the new institutions. It said that in drawing up its report the commission had ignored the advice of those experienced in education, including supporters of academic segregation. "The report . . . is permeated with the supposition that the content and form of university education for Non-Whites should be different from the content and form of education for Whites. This is absurd."

The Committee affirmed its belief that "separate facilities" could not be equal, and that the principle of academic non-segregation as followed in the University of Cape Town accorded with the highest university ideals. It desired that the University should be permitted and enabled to carry on its functions as in the past and that nothing should be done to impede its policy of academic non-segregation. (*Pretoria News*; *The Times*, August 19, 1958.)

The Transvaal Division of the Liberal Party, recommending the complete withdrawal of the Bill, said: "Some of the few remaining bridges between White and Non-White are still to be found in the academic contacts maintained by the open universities. The compulsory segregation of Non-European students would heighten the feelings of frustration among Non-European intellectuals, and ensure the growth of an intolerant, anti-White nationalism."

Among others who protested against the provisions of the Bill were the S.R.C. of the University of the Witwatersrand, the Swedish National Union of Students, and the Pan-African Students' Conference (this Conference, held in Uganda in August, was attended by students from fifteen African States, including Ghana, the Rhodesian Federation, Nigeria, Algeria, Morocco, the Sudan and the Union of South Africa). While the debate on the Bill was in progress, more than a hundred students of the University of Cape Town lined the street outside the Houses of Parliament. They carried placards with slogans opposing Government interference with the autonomy of the universities. (*Pretoria News*, August 15; *Rand Daily Mail*, August 14, 20, 23 and 24, 1958.)

The *Sunday Times* (August 17, 1958) reported that the Transvaal Executive Committee of SABRA had endorsed the Bill in a published statement. It was believed that this move might have been inspired as "an attempt to tie the hands of the Stellenbosch group of Sabra members who, on the evidence they gave before the commission, [could] not possibly accept the measure."

The Sabra Head Office at Stellenbosch said that the statement was "completely irregular" and could not "at this stage at least" be accepted as expressing the views of the executive committee. (*Natal Mercury*, September 1, 1958.)

Professor I. Gordon, Dean of the Faculty of Medicine at Natal University, in an address at Johannesburg, said: "It has not helped to lay bare

the sense of outrage which the present Government's racialistic educational philosophy has evoked; it has not helped to record the protest of university societies and communities from all parts of the world; it has not helped that in recent months leading South African academics who support the present Government's *apartheid* policy have spoken against the regimentation of university colleges as State institutions. There is no place for reason or rich academic experience in the present Government's . . . philosophy, and the depth which has been reached by the exponents of this ideology is recorded in the majority Bill."

Possibly the most cynical aspect of the Bill had been the attempt to simulate true university conditions of management and control through the proposed method of appointment and conditions of service for members of the academic staffs of Non-White colleges.

"I believe that all the adjustments made will not mislead academics of any stature into believing that there have been any material changes in the proposed amended Bill. This, then, is the shocking situation which faces us . . . the situation is academically evil and there can be no compromise with evil." (*South Africa*, September 6, 1958.)

A widespread campaign against the "threat to university autonomy and academic freedom" embodied in the Government's Bill for separate universities has been organized in Natal. It will take the form of mass meetings of students, university lectures and a special issue of the university magazine dealing entirely with this legislation. (*The Times*, August 28, 1958.)

The principal and vice-chancellor of the University of Cape Town, commenting on a dance given in aid of the African Medical Students' Trust Fund, at which a mixed party of about ten couples had danced together, said: "The booklet called *The Open Universities in South Africa* was published with the full approval of the councils of the Universities of Cape Town and the Witwatersrand. Concerning the question of practice in social matters, this booklet contains the following statements: 'While conforming to the South African practice of separation in social matters (residence, games, dances), these two universities, so far as possible, admit students on the basis of academic qualifications only, and in all academic matters treat Non-White students on a footing of equality and without separation from White students. Segregation is only applied at what may be described as the purely social or non-academic level, that is to say, it is applied at the university residences, dances and sports. The open universities believe that practice in these matters depends on the conventions of the community in which these universities exist.'

"There can be no doubt whatsoever about the wishes of the council of the University of Cape Town in these matters, and there should be no room for misunderstanding of any kind in any quarter concerning them. It naturally behoves everyone connected with the university, the students as urgently as any, to see that these wishes are meticulously observed, and, as far as the students are concerned, the adjustment of these matters has always been left to their good sense. I should emphasize that the attitude of the authorities in these matters is that the university will abide by public opinion as expressed in the conventions observed by the community in which it exists. . . .

"We realize, and so do they (students of Non-White origin) that in the pattern of our existence we cannot offer them the full scope of student life that is usually associated with a university education, but, while they are prepared to accept the opportunities for learning that we can give, it is nothing more than our simple duty to give them all we can."

In a later statement, Professor Duminy said: "Reports in the Press on the question of a mixed dance at the University of Cape Town are misleading, in so far as they have conveyed the impression that there are in existence written rules and that I have issued orders forbidding the holding of mixed dances. No such rules are in existence and no orders have been issued. I have done no more than convey to the students what I consider to be the council's wishes in this matter." (*Pretoria News*, August 15, 1958.)

Commenting on Professor Duminy's action, the *Sunday Express* (August 17, 1958) said: "This . . . shows that an open university is not slow to answer any challenge to the prevailing conventions on colour. The admission of limited numbers of Non-European students has never carried with it the intention to allow mixed dancing or mixed sport; and

this fact makes nonsense of the dangers that the critics of the open universities have always imagined to exist. . . ."

Other Forms of Apartheid

Taxation, Wages and Services

According to the Order Paper giving effect to a proposed new scale of taxation, the tax on African men will be £1 15s. a year instead of £1 from January 1, 1959. As from January 1960, the tax will be on a sliding scale according to taxable income. The scale will be as follows:

On incomes between £180 and £240 the tax will be £2.

On incomes between £240 and £300 the tax will be £2 15s.

On incomes between £300 and £360 the tax will be £3 10s.

On incomes between £360 and £420 the tax will be £4 5s.

For incomes above £420 the basic tax of £1 15s. will be increased by £2 10s. for the first £420 and £1 for every £60 or portion of £60 above £420.

The scale of taxation for African women, which will come into force on January 1, 1960, will be at the rate of £1 for every £60 or portion of £60 by which the income exceeds £180. (*Star*, July 17, 1958.)

The *Sunday Express* (July 17, 1958) wrote: "Every South African M.P. is to receive a copy of a twenty-three-page statement which shows that White and Black South Africa will be seriously affected by the higher tax on Natives. . . . The statement, compiled by the Institute of Race Relations, quotes extensively from Government reports and figures. It points to these serious repercussions:

"Most natives—already living below the breadline according to official figures—will sink even lower into poverty: the efficiency of the labour force in cities will be impaired; European business interests will suffer as the spending power of the Native decreases; crimes may increase as the only means of survival for thousands; and more ill-will will be generated among Natives.

"The statement calls the new tax 'vicious and indefensible', and points out that Natives—burdened as they are with local taxes, education taxes, tribal levies, hospital levies and other demands—are being asked to pay a higher proportion of income in taxation than a European family earning about twice as much.

"It also dispels the common belief that Europeans in South Africa have to subsidize services for Natives. The report quotes Dr. Verwoerd himself; he said in a speech that contributions by Natives and the services they received were 'more or less self-balancing'.

"The new taxes mean that Natives—the poorest section of the population—will now have to face an immediate increase in general taxation of more than 50 per cent and a further rise, on a sliding scale, in 1960. They will have to pay from the age of 18 to 65—eight years longer than Europeans. And married women will have to pay the general tax—something that no married White, Asiatic or Coloured married women have to do.

"How seriously does this affect Native families? The statement makes it clear. Most Natives are living below the breadline anyway—that is, they can't have even 'the bare essentials of healthy living', let alone items like sport, medicine, education, savings, holidays odd bus rides, newspapers, tobacco and new blankets. The importance of even 2d. a day was shown during the recent bus strikes. The new tax demands an extra 15s. a year now, and more later."

Dr. Verwoerd said that the purpose of the proposed new scale was "not just to institute separate universities for Africans". The main purpose was to provide school facilities for more than 2 million school-going African children. The principle that the Africans should make a contribution towards the education of their children was sound.

The increase was justified also on the grounds of the increased earnings of Africans. The cost of living had gone up, but what about the cost of the services being provided? Must not provision be made for that?

To say that the proposed new scale was disproportionate and that it was "cruel and stupid", as Natives' Representatives had said, was a criticism of British territories in Africa rather than a criticism of the Union. In those territories, where wages were lower than they were in the Union, the taxation was higher. This was one of the reasons why neighbouring Africans flocked into the Union.

In Basutoland and Swaziland, for example, the tax ranged from £1 14s. to £4 10s.; in Southern Rhodesia tax was £2 a head, and 10s. for each wife.

In Bechuanaland the basic tax of £1 had recently been increased to £2. There was also a tax on cattle which could bring the total tax to £10 a year.

To say therefore that the proposed new scale was an undermining of the economy of the country was ridiculous. It was a low additional tax burden, and a burden that had been imposed for the benefit and advantage of the African people themselves. Was it right that the African should continue to be spoon-fed, subsidized and made totally dependent on the European? (*Rand Daily Mail*, July 25, 1958.)

Mrs. Margaret Ballinger, Natives' Representative, protested against the proposal and urged a full survey of Africans' economic resources and efforts to increase their earning power. She said the average earnings of Africans in industry were £13 a month, while a scientific survey had shown that the minimum required for economic existence was £23 a month. They were already made to pay local levies for school buildings, and the Native services levy payable by employers of natives was really a levy on native wages. Other burdens were special levies in the tribal areas and the Government's policy of applying economic rents in native housing. The fact that the African population contributed only 3½ per cent of direct taxation was because the country had not enabled them to earn more. (*The Times*, July 24, 1958.)

The *Star* (July 14, 1958) wrote: "The amount to be set aside for Native Affairs this year is £650,000 less than last year, according to estimates of expenditure from three different accounts . . . the decrease is due partly to the fact that the annual amount allotted to the Native Trust for buying land for Natives is back to its normal £1 million. Last year the sum was increased to £1,600,000 because of 'special circumstances'. The amount set aside for school feeding has been cut by half to £50,000. This means that the Native school feeding subsidy is one-fifteenth of what it was a decade ago, when expenditure was £750,000.

"There is expected to be a cut of nearly £68,000 for supplies and services to existing Native schools. Financial assistance to Bantu community schools will be sliced by £50,000—a third of last year's amount. However, the amount to be set aside for building new Native schools goes up from £100,000 to £260,000.

"The sum the Government expects to spend on pensions and on assistance to needy Natives is down £29,500. This is because the Native Affairs Department has tightened up control. Inspectors have found that some Natives have drawn pensions to which they were not entitled.

"There is an expected increase in expenditure on Native Affairs Department salaries and wages (up £24,000) and departmental subsistence and transport allowances (up £32,000).

"The estimated expenditure on Native Affairs budgeted for this year is little more than £25 million—only one-sixteenth of the Union's total estimated expenditure of about £400 million."

A statement issued by the National Union of South African Students said: "The reduction in the spending power of the Native, which the extra 15s. tax will cause, will make it additionally difficult for Native families to send their children to school in a country which still does not provide compulsory education for them.

"We believe that education is not the responsibility of a particular racial or ethnic group in South Africa. Rather it is the duty of the Government to provide education for all its citizens from its general financial resources. In this way, the Government would serve to promote the extension of education in a genuine way and not do so at the expense of the economic welfare of one section of the population.

"Perhaps the most unfortunate aspect of the whole proposal is that an unwilling section of the population will be taxed for education of which it disapproves and on whose contents it has never been consulted." (*Pretoria News*, July 22, 1958.)

Twenty-six influential Johannesburg businessmen, members of the Association for the Improvement of Wages and Productivity of Bantu Workers, established in June, have urged an immediate wage increase for urban Africans.

Mr. M. Wood, the secretary, said that the majority of urban Africans could not maintain themselves or their families, as their wages were below subsistence levels. The Wage Board investigating the minimum wages of unskilled labourers on the Rand and Pretoria revealed widespread agreement that wages should be raised from the statutory minimum of about

£2 a week fixed by the Government in 1942. Proposals to the Board included £2 11s. 9d. weekly by the Peri Urban Board, £2 14s. by the Council of Reef Municipalities and £3 2s. 6d. by the Johannesburg Chamber of Commerce. The Trade Union Council suggested £5 7s. while the Congress of Trade Unions, representing Non-White workers, asked for £7 a week. In 1954 a minimum monthly income of £23 10s. 4d. for an average Johannesburg African family was established by the Institute of Race Relations. (*Sunday Times*, August 24, 1958.)

Finance

New Age (August 14, 1958) wrote: "... The Native Trust and Land Amendment Bill ... contains a provision for the establishment of a fund allegedly to advance the economic interests of the African people.¹ No Opposition M.P.'s however appear to know just what is envisaged. The United Party's chief spokesman on the Bill, Dr. D. L. Smit, said that the U.P. was not satisfied with the 'sketchy information' given by ... Dr. Verwoerd on the Government's proposed Bantu Finance Corporation for the development of the Reserves. Was the Corporation to be financed entirely by the State? Or was it to be financed by the Africans themselves? Would it be subject to the control of the Auditor-General? What industries did Dr. Verwoerd plan to establish under this Corporation? Did he plan to establish a separate Bantu economy in competition with the Union? ...

"It is a pity that Opposition M.P.s did not pursue the matter further. The provision in this Bill to make money available from the Native Trust is closely linked with the proposed *apartheid* schemes for the development of the Reserves. Information already disclosed by the Department of Native Affairs ... indicates clearly that the Government intends making the African people pay for such 'development' schemes as may be undertaken. The key to the scheme appears to be the 'mobilization' of the savings of the African people. ... It is time ... someone pricked the bubble of this so-called 'development' of the Reserves. ... The U.P. and the Nats are in complete agreement that there should be no large-scale development of the reserves."

Mr. W. P. Stanford (Natives' Representative, Transkei) said that the most important principle in the Bill was that dealing with the establishment of a fund for the advancement of the economic interests of Africans in their own areas. But except when it fell under normal taxation, the money should be contributed from a general fund of the country, and not by the Africans who simply could not pay it. If the aim was to make them contribute a substantial amount to finance themselves and to launch them economically, it would defeat its own ends. (*Rand Daily Mail*, August 9, 1958.)

Mr. Julius Lewin, Senior Lecturer in African Administration in the University of the Witwatersrand, said that the Bantu Investment Corporation would simply be another name for the Native Affairs Department. It would not be able to do much for the development of a real African middle class. "Its decisions will be influenced by the habits of mind (and the whims) of officials who have small understanding of commerce and industry and no faith in the capacity of the African to rise above a third-class status."

The Native Affairs Department, following the Tomlinson Report, was making the mistake of trying to develop industry before commerce. In no country—least of all in under-developed areas—had this ever happened. Economic history showed that commerce came first and that only with the capital, experience and skill acquired in commerce could industry be developed. "I suggest that if the department is serious in its purpose the best thing it can do is to withdraw the irksome laws that prevent African traders from getting a fair start in town or country. Then the chambers of commerce, if they really want to help African enterprise further, could with Government financial aid handle the practical side in close consultation with the Africans." (*Star*, July 10, 1958.)

The *Rand Daily Mail* (August 22, 1958) wrote: "It was disclosed through the published correspondence between the Department of Native Affairs and the Cape Town City Council that approval for Barclays Bank, the Standard Bank and the Allied Building Society to open branches at Langa Native Township had been withdrawn by Dr. Verwoerd. Instead, *Volkskas* [an Afrikaans-controlled commercial bank] may be allowed to open a branch at Langa."

¹DIGEST VI, 1.

"Two years ago the two banks and the building society applied to the Cape Town City Council for permission to open branches at Langa. The Government accepted the principle and the council went ahead and built the premises. These are now ready for occupation."

"After 'reconsidering the matter' the Government decided that because *Volkskas* had fewer agencies in Native locations than other banks, three agencies in favour of *Volkskas* should be granted in locations which had no bank agencies. *Volkskas* did not apply to the council for permission."

"Opposition Members of Parliament expressed the fear that political considerations were involved in the decision."

African businessmen in Langa Native Township said they would boycott *Volkskas* if it established an agency in the township. The tellers would "have a long holiday". Most of them said they would continue dealing with banks in the city or suburbs rather than bank with *Volkskas*.

City Councillors said that Dr. Verwoerd had apparently overlooked an important factor. The premises built in Langa for leasing to Barclays and the Standard Bank were City Council property, and he could not force the council to lease them to *Volkskas*. (*Sunday Times*, August 28, 1958.)

Bantu Education

The chief information officer of the Department of Native Affairs, Mr. C. W. Prinsloo, said fifty African church schools and training centres run by the major denominations, in all parts of the Union, would be closed. The education of children and students attending the institutions would not be interrupted provided they sought admission to schools in the areas where their parents resided. No hardship would be imposed on anybody. He stressed that three years ago a number of denominations were warned by the Department that by the end of 1958 educational institutions which were not situated in African areas or urban African residential areas would not be re-registered.

The closing of the schools did not only affect the Roman Catholic Church. The Dutch Reformed Church would have to close the Stoffberg Gedensskool, a training centre for African ministers, the Strijdom Training Centre in the Free State, the Emerentia Geldenhuys School near Warmbaths and a school at Bethesda in the Northern Transvaal. The Methodist Church would have to close down the large Kilnerton Training Centre east of Pretoria. Mr. Prinsloo said that suitable alternative accommodation was provided in the African areas where for every 8,000 families, ten lower primary schools, five higher primary schools and two post primary schools were provided.

Commenting on the news that four more Roman Catholic schools in the Transvaal would have to close the Roman Catholic Bishop of Johannesburg, the Rt. Rev. Hugh Boyle, said that the Church would have to find "some other means of spreading the faith to African children because it [was] losing schools at an alarming rate". Two ways in which government policy was making the Catholic Church lose schools were: by refusing to allow schools to continue in "White areas"—or areas which had become "White". The other was a result of the moving of locations. "We are not allowed to build schools in the new locations—sites are not allocated" said the Bishop, "and we are not allowed to replace the schools in White areas with schools in the African locations." (*Rand Daily Mail*, July 24 and 25, 1958.)

Mr. Prinsloo said that school boards and committees set up under the Bantu Education Act were teaching 35,000 African parents to run their own affairs. This "adult education course" would prove of great value as Africans were given more authority to manage their own affairs in other spheres as well. The African school boards and committees had exactly the same autonomy as European ones. They, and not the State, appointed and dismissed principals and teachers. They must take the responsibility of applying to the Department when new schools were needed, and must recommend sites and priorities. They also controlled spending on things like books and equipment. The boards and committees consisted entirely of Africans; European inspectors and officials could act as advisers only. There were now 483 African school boards, with 4,102 school committees under their jurisdiction. (*Rand Daily Mail*, August 26, 1958.)

Four special schools for the senior hereditary sons of chiefs and head-

men are being established by the Department of Native Affairs in the Northern Transvaal, the Western Transvaal, the Transkei and Zululand. Mr. Prinsloo said that the education given would be equal to the Junior Certificate course and would include "Bantu administration". Teachers would be specially selected and would have "high qualifications". The entrance qualification would be a Standard VI Certificate and the minimum age would be 15.

"The course will take two years and will be divided into two parts. The first will comprise Bantu languages, the two official languages, general science, agriculture, social studies, religious instruction, music and singing. The second will embrace agriculture, commercial arithmetic, book-keeping, office routine, administration and the administration of justice and health education."

Mr. Prinsloo said the department considered that such a course would help to equip future chiefs and headmen for their duties. The first school was expected to open at the beginning of next year. (*Star*, August 14, 1958.)

A motion that the school feeding scheme should be reintroduced for needy children was tabled in the Cape Provincial Council by Mr. H. Bezember, who said that a recent survey of pupils outside the Port Elizabeth area had shown that many were suffering from early symptoms of tuberculosis. This was attributable largely to malnutrition. Mrs. A. F. Murray said that another survey had shown that one-third of the school-going children in the area went to school each day with empty stomachs and many without sandwiches. A mere contribution of 2d. a day for each child would provide all the necessary staple ingredients of a diet.

The Administrator, Dr. J. H. O. du Plessis, said that such a scheme would be "impossible". Within a year it would cost £500,000. "We are very sorry that there should be hungry children, but I cannot see that it is the responsibility of the Provincial Administration." (*Rand Daily Mail*, July 30, 1958.)

The 1958 Annual Report of the African Children's Feeding Scheme said that 13,000 African children were fed every day. Four-fifths of the African children on the Reef received no Government school feeding.

The average expectation of life for an African was 37 compared with 70 for a European. Medical evidence indicated that a major contributory factor to this tragic discrepancy was the effect of malnutrition in childhood. The cost of the scheme for the year ended February 28 exceeded £14,000. Revenue totalled more than £16,000, of which donations accounted for nearly £11,000. Miss Claerwen Scott-Smith had succeeded Miss Eleanor Ponsonby as honorary organizing secretary. (*Star*, August 15, 1958.)

"Coloured Education"

The Vocational Education Bill which was introduced with the object of transferring vocational education of Coloureds from the Department of Education to the Department of Coloured Affairs, passed its third-reading stage in the Assembly on July 29. All Opposition groups in the House objected to the transfer on the ground that it was bad in principle to have different departments administering different schools. Nationalist Party members maintained that the transfer would not detract from the standard of education of the Coloured people, but that it would be in their interests. Three of the four Coloured Representatives in Parliament voted with the Nationalists. The fourth Coloured Representative, Mr. Holland, voted against the Bill. He said he had consulted his constituents and they were opposed to the scheme. They could see no justification for it. Dr. Steenkamp (U.P.) said the three Coloured Representatives were doing a dis-service to their people. (*Pretoria News*, July 18, *Star*, July 29 and 30, 1958.)

The Most Rev. Denis Hurley, Archbishop of Durban, said the Bill was another stage in the Government's unabated trend of gaining concentration of power in its hands. "When a Government's object is limited to promoting a sectional ideology, stringent measures must be taken to suppress all developments likely to compete with that ideology. In the same way, the future of private schools depends on how great a menace they appear to constitute to the ideology of the existing Government. It is not unlikely that this Bill may provide the blue-print for a more important Bill to come soon, giving the central Government similar powers in relation to general education."

The Administrator of the Free State, Mr. J. J. Fouche said that, while he did not wish to take sides, he thought Government control of education would not bring the widespread benefits which many people believed it would. (*Rand Daily Mail*, August 2, 1958.)

The *Star* (August 8, 1958) reported: "In its first full year of existence, the fledgling Department of Coloured Affairs will have only £917,000 to spend on itself and the 1 million Coloured people for whose welfare it is now responsible. Nothing has been set aside for vocational training."

The *Star* (August 15, 1958) wrote: "... The Longwood High School near Meyerton ... which has had Chinese pupils since 1949 has received a letter from the Education Department, ordering it to get rid of its Chinese pupils by the time the school opens on September 7. Four Chinese students, who will be writing their Matriculation examinations next year, will be allowed to stay on. ... Longwood High is mainly a boarding school, it is privately owned and attracts pupils from various parts of the Union and the Federation. It has 180 students, including fifty girls."

Group Areas¹

The committee formed at the instigation of Professor P. V. Postorius to study the moral aspects of the Group Areas Act in Pretoria consists of Father C. B. Collins (Roman Catholic, Chairman), the Rev. M. Nye, the Rev. W. Lovegrove and the Rev. G. Daniels (Anglican); the Rev. D. Dugmore (Methodist); the Rev. L. Heap, Dr. E. C. Halliday and Mr. W. T. Kirby (Congregational); the Rev. A. Moore (Presbyterian); the Rev. B. Edwards (Baptist). Professor Pistorius said he would attend the first meeting of the committee and if the committee so desired, he was prepared to serve in an advisory capacity. He felt that the actual committee should be representative of the churches.

The committee will not investigate the Group Areas Act or its bearings on residential segregation, the principles of segregation and *apartheid*, or any issue that has a direct bearing on party politics. It will investigate: the nature and extent of the hardships to the Indian community consequent on the removal of their business premises to Claudius, as well as the effect on Indian life of the economic restrictions placed upon them by the present state of legislation; what other avenues are open to the Indians in the economic field; and in how far such avenues can provide (a) the bare necessities of life and (b) the opportunities for them to develop their full potential to the benefit both of themselves and of the country.

In the light of their findings, the committee will determine how far the present situation and the situation that will probably be created by the application of the Group Areas Act are in keeping with the Christian conscience and the Christian character of the South African people.

If the committee should find that the situation is "not in conformity with the Christian imperative of love and justice", it will take such steps as are in keeping with the demands of good citizenship, common humanity and the Christian conscience.

Of the three Dutch Reformed Churches which received a request from the Pretoria Indian Commercial Association to see a deputation of Indian leaders to explain the "ruin and starvation" facing the Indian community under the Group Areas Act, one decided to reject the appeal as the action called for fell "outside the province of the church". A spokesman said that on the whole there was no evidence of glaring injustice, and the Church had to guard against acting as a "supervisor".

Dr. Frans O'B Geldenhuys of the Nederduitse Gereformeerde Kerk could not be reached for information as to whether or not a decision had been taken by his church. The Rev. T. T. Spoelstra, of the Gereformeerde Kerk, said that he had not yet discussed the matter with his colleagues owing to pressing church matters. (*Pretoria News*, July 15 and 19; August 8, 1958.)

The Durban Chamber of Commerce criticized the manner in which Group Areas were being introduced in Durban, "with apparent disregard for the far-reaching effects of the legislation upon the population of the city". Mr. Crofton Hopkins, president of the Chamber said: "It is clear in the first place that there is not enough land available to accommodate the large number of persons who will be displaced by the recent proclamations and this fact alone will render the implementation of group

¹DIGEST V, 2-5; VI, 1.

areas impracticable. In fact the new Group Areas can only mean that a large proportion of the existing labour force of the city will be forced to reside on or beyond the boundaries of the city, unduly far from their place of employment. Such a situation must affect not only the efficiency and energy of such workers but also their living costs, and will place a considerable additional burden upon already overtaxed transport facilities in Durban.

"Land at Cato Manor, eminently suitable by all standards for Asiatic occupation after the removal of the Bantu population to the new township at Kwa Mashu, has been proclaimed a White area, in spite of the extreme improbability that Europeans will ever voluntarily occupy this area. As property owners can only obtain compensation on the value of their properties as at the time of the proclamation, this has led to unnecessary and unjustified hardship and, from a commercial aspect, falls short of the ethical business standards to which the Chamber of Commerce subscribes.

"The method of compensation was also particularly harsh on certain groups, not only because of the monetary loss but because many buildings which had been occupied for many years could not be re-erected in their present form without contravening the city by-laws.

"Large areas of the city still remain unproclaimed and the uncertainty attaching to these unproclaimed areas will continue to hamper land transactions, land security against loans, and commercial development—particularly in certain parts of the central area, which incorporates most of the commercial sector. In these circumstances, the Chamber considers that the operation of the proclamation should be suspended forthwith to allow the present re-examination of the City's racial composition by the City Corporation." (*New Age*, August 21, 1958.)

Professional

Mr. Alpheus Afanamuni Ndlovu, the first African advocate to be admitted to the bar of the South African Supreme Court left Cape Town for England in August. He had been ordered to leave his chambers in Caledon Street, Cape Town, and to move to Langa or another area "reserved for natives" together with Mr. C. M. Kobus, an African attorney who occupied an office in the same building.¹ The order meant that Mr. Ndlovu would no longer have been able to practise in Cape Town as the rules of court require an advocate to have his chambers within three miles of the Supreme Court building. Before he left he told friends that he would try to be admitted to the Bar in Britain.

Born at Bergville in Natal, the son of a Zulu labourer, he worked as a houseboy, hotel cook, waiter and brick kiln labourer, saving money to study law. The Cape Peninsula Joint Council for Europeans and Africans paid his fees at the University of Cape Town where he was the first African to gain the LL.B. degree.

A course to train African traders in basic business methods and practices is being organized by the Pretoria Junior Chamber of Commerce. The course will consist of ten weekly lectures on subjects such as retail selling and sales records, advertising and display, wholesale buying, cash and record security, banking facilities, shopkeeping and book-keeping. (*South Africa*, August 30, 1958.)

Social and Cultural

Maritzburg's multi-racial hotel, the Windsor Hotel in Victoria Road, has been closed to Europeans and is open to Indians and Coloureds only (Africans are normally barred from licensed premises).² The restriction was imposed by the Liquor Licensing Board. (*Pretoria News*, August 5, 1958.)

Mr. Eric Louw, the Minister of External Affairs, and the Secretary for Coloured Affairs, Dr. I. D. du Plessis, attended the opening of a "Coloured" Hotel at Beaufort West in the Cape. In a short address, Mr. Louw said: "I am interested in today's proceedings because this, the first hotel to be established in the Union by Coloured initiative, represents the practical application of the *apartheid* policy, namely, the separate development of South Africa's different racial groups, each in its own locality and sphere." (*Rand Daily Mail*, August 16, 1958.)

Sport

In a letter to the *Eastern Province Herald* (August 2, 1958) Mary

¹DIGEST III, 7, IV, 1-2, V, 3, VI, 1.

²DIGEST VI, 1.

Benson wrote: "The report on the protest meeting in Cardiff should not mislead South Africans into thinking that the British public is apathetic about the Union colour bar in sport. A number of leadingsportsmen from Britain expressed their deep concern in a letter to *The Times* while others from all over the Commonwealth agreed not to make any public protest, but to take the matter up within the formal and informal discussions at the Games.¹

"But whatever public opinion may be here, surely White South Africans can uphold traditions of fair play. They fraternize with Ghanaians and Jamaicans the moment they leave South Africa; can they not have the courage at least to enable Non-Europeans to compete for places in international teams when they return to South Africa? There is no law to prevent this—only social convention. If a few Christians and intellectuals can stand out against such convention, why not sportsmen as well."

The letter to *The Times* (July 17, 1958) urged "that athletes and sportsmen in this and other countries should take active steps through their clubs and their national associations to obtain the endorsement by their international federation of the principle of racial equality which is embodied in the Declaration of the Olympic Games." It was signed by: Walley Barnes; Danny Blanchflower; G. E. Duke; Geoff Elliott; Mike Ellis; Joe Erskine; Johnny Haynes; Jimmy Hill; Thelma Hopkins; Derek Ibbotson; George Knight; Stanley Matthews; Ken Norris; Don Revie; Frank Sando; David Sheppard; M. J. K. Smith; Maurice Tremlett; Alan Wharton and Bobby Wilson, on behalf of the Campaign Against Race Discrimination in Sport.

The *Star* (June 27, 1958) wrote: "Members of the Bantu Amateur Athletic Association returned to Johannesburg laden with trophies after a triumphant two-week tour of Northern Rhodesia.² . . . Winning four soccer matches out of six, equalling the Rhodesian national record for the 220 yards and coming within 0.4 second of the South African European 100 yards record, the team was much admired.

"The soccer team beat the Copperbelt 6-1 and Northern Rhodesia 5-1. They won two other matches and lost two. The athletics team beat the Copperbelt 84-41 and Northern Rhodesia 79-45. They won every event except the 440 yards and the 880 yards. They set a Northern Rhodesian Non-European record for the 120 yards hurdles with a time of 15.9 seconds. They improved on the 100 yards open record with a time of 9.8 seconds and equalled the 220 yard record of 22 seconds. The 4 × 110 yards relay saw a record time of 44.2 seconds.

The Bloemfontein City Council and the Free State Rugby Union ruled that only Whites could be allowed to see the All Blacks in the Bloemfontein Rugby Test in 1960. The Mayor, Mr. A. E. Viljoen, said "As long as this City Council is in power no Non-Europeans will be allowed at the Free State stadium. There will certainly be no exception made for Bloemfontein's Test match in 1960." (*Rand Daily Mail*, July 29, 1958.)

The Church and Race Relations

The Conference of World Reformed Churches in Potchefstroom representing Calvinist opinion in seven countries, approved the following joint declaration on race relations. "The fundamental unity of the human race is at least as important as all considerations of race or colour. No race may consider itself privileged or superior to other races. Believers of all races should receive one another as brothers and sisters in Christ. It is the duty of the Church to avoid even a semblance of an attitude which can engender estrangement between the races. The Church should guard against any impression of discrimination which could imply the inferiority of the other race. No direct scriptural evidence can be produced for or against intermarriage." (*Rand Daily Mail*, August 14, 1958.)

The Federal Council of the Dutch Reformed Mission Churches has decided that in future Native clergymen will be addressed as *Moruti* or *Umfundisi* (Sotho and Zulu for "minister"). These titles must be used in all official Church documents. (*Star*, July 8, 1958.)

The World Council of the Methodist Church meeting at Freudenstad, West Germany, said that serious consequences would result if racial equality was not achieved in South Africa. The council recommended that its church leaders in Central and South Africa should get together next

¹DIGEST V, 5.

²DIGEST VI, 1.

spring to work on the problem of racial tensions. Fifty delegates, representing 42 million church members in eighty-one countries, took part in the meeting. (*Pretoria News*, August 6, 1958.)

The Sekhukhuni¹

Two 16-year-old boys were amongst 199 Bapedi who appeared at Lydenburg on July 29 at a preparatory examination into collective allegations of murder, arson and incitement to riot. One of the accused was William Sekhukhuni, brother of the deposed chief, Moromochi Sekhukhuni. Twenty-five were women.

Another 100 tribesmen were arrested after the trial began. (*Rand Daily Mail*, July 29; *Star*, August 7, 1958.)

Police Efficiency

The *Rand Daily Mail* (August 9, 1958) reported: "Pretoria's 'police-man who always gets his man' Sergeant N. Arlow . . . shot and killed an African who tried to escape from a stolen car . . . Sergeant Arlow recently won praise from people in Sunnyside, the Pretoria flatland area where he is stationed, for an intensive 'cleaning up' campaign he staged. Working sometimes twenty hours a day with other policemen, he stamped out crime in the area."

A correspondent wrote: "There have been quite a few cases lately where the police have killed or badly wounded Africans who failed to answer a challenge to stop, and in some cases their crime could not be established at the time. I always thought that a life whether White or Non-White was something sacred and that no one was entitled to shoot, certainly not to kill, unless in self defence. . . ."

"The term 'Got his Man Again' originates in the Royal Canadian Police, but they travelled many many miles to 'get their man' and brought him back for a fair trial."

SOUTH WEST AFRICA

Good Offices Committee Report²

THE Report of the U.N. Good Offices Committee on South West Africa established by the General Assembly at its twelfth session was released on September 1, 1958.

The Report states that all members of the Committee recognized that its talks with the Union Government must be conducted in a spirit of mutual confidence and goodwill, if any success was to be achieved, and therefore decided to interpret its term of reference in the most liberal manner possible and to be ready to put forward on its own account a reasoned set of proposals. It was also decided that every proposal must be discussed realistically in terms of its acceptability to both the United Nations and the Union Government.

The Committee understood the expression "an international status" employed in its terms of reference, to mean a status which derived from the Mandate and to signify, in its essential and minimum respects, that the Union was not entitled to modify that status acting alone; that it was to be accountable to an international agency for its administration of the Territory; and that this accountability was to be expressed by means which would include the transmission of information of some kind concerning the administration of the Territory.

As a basis of discussion the Committee envisaged the possibility of setting up: (a) an organ to perform the functions, as far as they related to the Mandate for South West Africa, of the former Council of the League of Nations, and to be known by such name as the South West Africa Council; and (b) an organ in similar substitution for the Permanent Mandates Commission, to be appointed by the South West Africa Council and to be known by such name as the South West Africa Mandate Commission.

It suggested that the South West Africa Council should consist either of the Trusteeship Council, with its membership adjusted to include the Union of South Africa, or be based on the original composition of the Council of the League, i.e. three permanent members: France, United

Kingdom, Union of South Africa and two non-permanent members to be elected by the General Assembly from among States who were Members of the League of Nations at the time of its dissolution.

Under the system envisaged by the Committee, the Union Government would not itself transmit information to the General Assembly, which would be examined by the South West Africa Mandate Commission. The Commission would report to the South West Africa Council which would transmit its conclusions to the General Assembly, which would be guided by the special rule it has already adopted in regard to the recommendations of the Committee on South West Africa and would base its own decisions on the Council's recommendations.

The Committee also considered possibilities under the International Trusteeship system. Other suggestions related to the possible partitioning of the Territory; the application of judicial supervision only; and the application of the provisions of Article 73e of the Charter relating to Non-Self-Governing Territories. The conception of partition, as discussed by the Committee, involved the placing of the northern section of the Territory containing most of the Non-European population under trusteeship, with the Union Government as the Administering Authority. The rest of the Territory would be either (a) annexed by the Union of South Africa, provided that a majority of the population in that area, or, alternatively, in the entire Territory gave their approval by means of a consultation by universal adult suffrage under United Nations supervision; or (b) administered by the Union as a Mandated Territory (or as a strategic area under trusteeship) under United Nations supervision.

When the representative of South Africa joined the talks he referred to the U.N.'s refusal to give its blessing to the proposal made by Field Marshal Smuts in 1946 for the incorporation of South West Africa into the Union.

The Committee was further informed that the Union Government had been placed in a difficult position by the manner in which the United Nations had dealt with the South West Africa question and the Indian and racial policy issues. As regards the South West Africa question, the Union had objected, in particular, to the granting of oral hearings, despite the fact that no provision for this existed under the Mandates System or Charter, to individuals with questionable credentials who professed to represent groups of people in the Territory.

The general position of his Government, in agreeing to participate in the Committee's work, was (a) that the discussions must take place without prejudice to the juridical position of the Union Government and the latter understood this position and as it had made abundantly clear to the United Nations; (b) that any counter-proposal or proposals from the Union Government which might flow from the discussions would be valid only in the event of an over-all agreement being reached and that South Africa would not in future be bound by such a proposal in the absence of an over-all agreement; and (c) that there were limits beyond which the Government could not go, these limits being determined by its essential requirements, namely, that its rights and position under any new arrangement concerning South West Africa could not be less than those which it possessed under the Mandate, as those rights were interpreted at that time.

In the discussions which followed the South African Government said that while it would be prepared, in the event of an agreement being entered into, to supply the second party to the agreement with Blue Books, Hansards and other documents concerning the administration of the Territory it would be impossible for it to agree to the submission of a formal annual report.

The Union Government was not able to consider the proposals of the Committee concerning supervisory organs which might be established within the framework of the United Nations, since it was not prepared to accept the United Nations as the second party. It was stated that the Union had consistently held that the Mandate had lapsed with the demise of the League of Nations; that, while the Union Government had undertaken to continue to administer the Territory in the spirit of the sacred trust (i.e. articles 2 to 5 of the Mandate), it did not recognize any international commitment as a result of the demise of the League; that the Trusteeship System was not the successor to the Mandates System, a view conforming with that of the International Court of Justice which had held that the Union was not legally obliged to place the Territory under trusteeship; that

¹DIGEST V, 2, 4 and 6; VI, 1.

²DIGEST V, 3-6.

the supervisory functions of the League had not passed to the United Nations, a view which the Government felt was supported by the final resolution of the League on the matter; and that it recognized no other kind of obligation to accept supervisory authority on the part of the United Nations regarding the administration of the Territory.

The South African Government regarded South-West Africa as essential to the security of the Union of South Africa, and the security of the Union as essential to that of Southern Africa, and the South African representative said that his Government could not ignore public opinion which, irrespective of political party affiliations, would make it impossible to accept any arrangement which would disturb the existing close relationship between the Union and South-West Africa. Furthermore, apart from Hereros, the Bantu inhabitants had in the past indicated their satisfaction with the Union's administration of the Territory and did not desire a change in the position.

Despite an offer by the Committee to demonstrate not more, but possibly less, onerous obligations for the South African Government than it had accepted under the League of Nations, the Government indicated that its attitude towards the conception of the United Nations as constituting the second party to the agreement and as possessing any kind of supervisory authority was not open to reconsideration.

The Union Government then suggested further consideration of the proposal made in 1951 that the second party to the agreement should be what it termed the three remaining Principal Allied and Associated Powers (France, the United Kingdom and the United States).

The Committee, whose own approach to a basis for agreement had precluded any agency other than the United Nations being the second party to the agreement, did not feel in a position to comment in any positive manner on this proposal and said it could only bring it to the attention of the General Assembly.

In response to an inquiry from the Union Government as to what other possible approaches had been considered by the Committee, the latter listed the range of alternatives considered.

The Minister of External Affairs, when participating in the Committee's discussions expressed the opinion that the possibility of partition merited further consideration by both the United Nations and the Union Government. He observed that if partition were agreed to, the southern portion of the Territory would presumably be annexed to the Union of South Africa and the northern portion would be placed under trusteeship and administered as an integral part of the Union. In explanation of the Union Government's willingness, in this particular context, to contemplate the United Nations as the second party to an agreement, it was stated that it was in an effort to find a compromise.

Mr. Louw pointed out that in the event of partition, the area to be placed under a trusteeship agreement, whatever its form would probably contain only Bantu races. This would obviate discussions on the multi-racial situation existing in the Union.

The Committee expressed the opinion that some form of partition under which a part of the Territory would be placed under a trusteeship agreement with the United Nations, the rest being annexed to the Union, might provide a basis of an agreement.

It was agreed by both the Committee and the representative of the Union that before any pronouncements on the merits and demerits of such a suggestion could be made by any of the parties concerned—the Union Government, the Good Offices Committee or the General Assembly—detailed proposals would have to be put forward by the Union, which could only be framed after thorough investigation.

On the understanding that the Union Government would be prepared to carry out this investigation and that, if the investigation proved this approach to be practicable, the Union Government would then be prepared to submit to the United Nations proposals for the partitioning of the Territory, the Committee for its part would be prepared to express to the General Assembly (1) the opinion that a form of partition might provide a basis for an agreement concerning the Territory of South West Africa; and (2) the hope that in these circumstances the Union would be encouraged by the General Assembly to carry out the investigation. (U.N. Document A/3900.)

The Reverend Michael Scott in the course of an article written for the

South African journal *Contact* said: "Of the various proposals considered by the Good Offices Committee on South West Africa, the partition of the territory is the only one which the South African Government seems inclined to favour. . . .

"The line of demarcation has not been precisely defined, and it is left in doubt whether the Hereros in their existing reserves and other Africans living within the Police Zone would also be incorporated into the Union, or whether it is proposed that all African inhabitants of the Police Zone should be removed to the northern half of the territory. Nor is it clear whether the Tsumeb copper mines or any other mineral resources would be included in the northern half, and if not now it is expected that the trusteeship territory would support itself or ever hope to become "viable".

"The original partition was made by the Anti-Slavery Society several years ago (a proposal of which, as a member of its executive committee, I strongly disapproved). This presupposed that the northern part of the territory could be administered as a trust territory of the United Nations, but it was, of course, envisaged that this would not be as an integral part of South Africa's *apartheid* system. The proposed plan would give to South Africa the advantage of incorporating the richest part of the territory, leaving the rest of it completely dependent on South Africa's agricultural and industrial economy as a field of labour for the inhabitants of the northern part. It would also be dependent for the cost of its social services on South Africa unless it is contemplated that the United Nations would help to finance the cost of these services in the trust territories.

"It is felt here by many people that the United Nations, if it consented to such a proposition, would, by conceding to the Union the right to incorporate any African land or people, completely undermine its own position over the past twelve years and also give to South Africa a powerful precedent for asserting its long-argued claims to incorporate Bechuanaland, Basutoland, and Swaziland into the Union. There can be little doubt that it would be so used as an argument to confound those in Britain who maintain that there should be no surrender of the protectorates to the Union Government so long as its policies remain such as they are. . . .

"It is hardly conceivable that the United Nations Assembly would agree to any plan which so violates its own and the people's rights and the advisory opinions of the International Court of Justice. It is believed by many here that this plan was fathered upon the Good Offices Committee by Mr. Eric Louw and that the members of the Committee, having tried every other suggestion that has been made about the future of South West Africa, have almost in despair recommended the consideration of this scheme on the grounds that half a loaf is better than no bread. But by such a scheme South Africa would eat half the loaf and would still be given the right to integrate the other half."

The Hereros Petition

In a petition to the Secretary-General of the United Nations and the Chairman of the U.N. Committee on South West Africa, representatives of the Herero people expressed appreciation of the Committee's Reports. They said: "We wish to appeal to the United Nations to intervene to stop the process of alienation of our lands and rights and to remove the heavy burdens of restrictions placed on us by enactments which we are powerless to end or amend. . . . We would like to appeal to the U.N. to consider ways and means whereby our people could be enabled to benefit from the generous social and technical assistance from the U.N. which other territories in Africa and Asia have benefited from through the Specialized Agencies—in particular the World Health Organization, the Food and Agricultural Organization, the Technical Assistance Programme, the World Bank and the Children's Emergency Fund.

"We wish to repeat our request that a Commission from the U.N. should visit South West Africa not only to hear the views of all the African inhabitants but to see in what practical ways the United Nations could help to solve our problems."

The petitioners point out that:

Education is at even lower standard now than before in the primary schools of the territory. The Augustineum Government Training College is supposed to train teachers up to Standard VIII but does not go beyond Standard VI. Within the Police Zone in all the Reserves there are only two Government hostels to enable the children who have to come from such

long distances to remain at the school. The Hereros appealed to the Government to build hostels but were told that parents did not want to send their children away to school. But, the petitioners point out, parents naturally want to know that there is going to be a hostel where the children will be looked after before they agree to send them away to school. The Chief Native Commissioner has said the people should instead build small huts in the Reserves and then the Government will provide them with a teacher and building materials. Many children of parents who are working on European farms do not attend schools because there are no hostels in neighbouring towns where they can be looked after. "Thus . . . our children get no education and so are forced to become manual labourers on contract to White employers."

The Locations: The petition states that the Windhoek and Okahandja locations are to be removed to another site. "We have been refusing to be moved. We say we would prefer the existing locations to be improved . . . rather than the population removed farther away from their work. . . ."

One regulation says that the whole area of the location must be fenced with only one gate leading to the town. When the inhabitants go in or out of the location they are to be searched by a policeman at the gate.

Public Meetings: Every person who proposes to convene or address a public meeting or assembly of persons in the location must notify the superintendent at least forty-eight hours before. No public meeting or entertainment in the location may continue later than twelve midnight without the approval of the superintendent.

Restriction on entry to the Location: No person other than a registered occupier or authorized member of his family shall enter, be or remain in the location, without a written permit from the superintendent. Details are given of regulations which make it possible to order the ejection of a man and his family within seven days if they have failed to pay any sum for which they are liable within the terms of the regulations governing the location.

The Reserves: There is a very great scarcity of water in the Reserves. Animals must often be driven twenty or thirty miles to water. It is very difficult to breed animals in good condition and the people get little benefit from rearing these animals. Very few people in the reserves have enough cattle to provide them with a proper livelihood. They are not allowed to have permits to seek work in the towns, though sometimes the young men can obtain contracts to work in the towns for a certain number of months and White recruiting officers come to the Reserves for this purpose. The standard of living of the people in the Reserves remains very low.

In the Ovitoto Reserve (and the same is proposed for Otjituo and Waterburg East) they have started a system of camps which we believe is designed to force us to leave these Reserves so that they can be occupied by White farmers. . . . The Reserve is now being divided and fenced into four parts and the proposed system is being explained to the Boardman thus: Each boardman has four camps: one each for spring, summer, autumn, and winter. All the people must send their cattle to these camps allocated according to the seasons. Each person is allowed fifty head of cattle including donkeys and horses and may have 100 goats and sheep. These camps are very small and if the grazing is finished before the end of the season the people must seek permission to go to another Reserve and a new area to the east of Waterberg has been set aside. The motive of this plan is to induce the people to leave this reserve peacefully so that the land can be given to Europeans . . . if their cattle are starving they are obliged to go elsewhere to get grazing for them and then they may not return. The people may only sell their cattle at auctions done by Government agents three or four times a year.

Urban Wages: For men wages in Windhoek are £6 to £10 a month. (A few men receive £12 per month.) Women receive £1 10s. to £3 per month. In other towns wages are as low as £1 10s. to £3 per month for men.

Cost of Living: Prices of foodstuffs and clothing are very high, and house rents in the new locations will be high in proportion to wages. The figure of £1 18s. per month amounts to almost one-third of the monthly wage paid in Windhoek. At present house rents are 3s. 6d. a month for men and 2s. 6d. for women.

Prices in the towns and stores are the same for Africans as they are for

Europeans whose wages are often ten times higher. The petitioners list the prices of some essential clothing and food. This last includes: one pair of trousers, £7; one shirt, £1 15s.; one pair of shoes, £3-£4; one suit (bought secondhand) £5; one loaf 1s. to 1s. 6d.; 3 lb. of mealie meal, 1s.; 1 lb. of butter, 3s. 3d.; low grade goat or beef 1s. 8d. to 2s. a lb.

The Pass System: It is described how this system restricts movement. No one can come to the town from the reserve without special permission which must be obtained from the Location Superintendent in the town. In the case of illness this may be impossible to obtain. Passes for people working in Windhoek must be got from masters and if you attend a burial without a pass from your master you may be arrested and fined £3 or sentenced to imprisonment.

The petitioners state: "The new facts, conditions and threats which we have set out here together with all our previous petitions and the increasingly severe condemnation expressed in the yearly reports of the Committee on South West Africa make it impossible for us to accept the good faith of the Union Government in any negotiations with the Good Offices Committee regarding our land and people."

"We fear that the United Nations may even be asked to diminish the meagre rights of oral and written petition that have been recognized by the General Assembly and the International Court and that the good work of the Special Committee on South West Africa may be threatened. In our annual meeting held in January 1958 at the Aminuis Reserve, the new Native Commissioner, Mr. Bligenout, said that since he was now taking over the office of Chief Native Commissioner he wanted us to put an end to writing letters to the United Nations and the Reverend Michael Scott. He said he wanted to emphasize that the United Nations would never be able to help us. "Never, never". And he said it would be wise for us to renounce this struggle and approach the Government in a way that would make the Government sympathetic with us because others will never be given a chance to help us."

"We cannot believe that the statesmen of the world, having studied all the reports submitted to the General Assembly by the Committee on South West Africa and our petitions over the past twelve years will not see the necessity now of facing the brute fact that the policies being carried out by the present administration in the ways known to them by all the information they have are the very opposite of the noble ideal of a "sacred trust of civilization".

"We trust that the United Nations will take urgent steps to ensure an administration of this mandated territory in a way that will enable our impoverished people to receive the benefits which other Trust Territories derive from United Nations supervision and from the Specialized Agencies which are improving the conditions of agriculture, education, health and the general well-being of their people."

"The nature and form of the administration required to enable this to take place only the United Nations is competent to decide. . . . We trust that further elucidation of such points as these in our petition may be given to the Committee on South West Africa and the Fourth Committee by those who represent us."

The Reverend Michael Scott addressed the U.N. Committee on South West Africa on September 4, 1958. In the course of his statement he said the problem was not simply a question of race prejudice "but a whole state structure and system of legislation" based on the assumption that one race is superior to another.

Mr. Scott reminded the Committee that "for many years your petitioners have asked that a firm judgement should be sought from the International Court of Justice on the status of South West Africa. It was hoped that one or more U.N. member states would now take this matter to the International Court for its compulsory jurisdiction under Article 7 of the Mandate and Article 37 of the Statute of the Court." A judgement given in the sense of the advisory opinions of the Court, he concluded, could result in substantial indemnities for the loss of lands and rights by the African inhabitants or in the appointment of an arbitration commission.

Hoaganas Reserve Ejectment Order

On July 21, 1958, an ejectment order which will probably affect the future of 200 odd residents of the Hoaganas Reserve near Rehoboth was

granted in the High Court of South West Africa. The plaintiff was Mr. Viljoen in his capacity as Administrator; the defendant was Mr. Markus Kooper, a resident of the Reserve. The defendant did not oppose the matter, and no Counsel appeared for him.

The area has never been proclaimed as a Native Reserve, according to Counsel for the plaintiff, although at times, even in reports to the old League of Nations it has been referred to as a Temporary Reserve. Mr. J. Allen, formerly Chief Native Commissioner for South West Africa, said that in 1952 the residents had been given temporary permits to live in the area, as a result of "complaints from (European) farmers that there were a number of 'loafers' in the Reserve." Mr. Allen said that there had been trouble over the years in connexion with the Reserve. The residents had been offered alternative ground but had rejected it.

In granting the order for the ejectment of Mr. Kooper, Mr. Justice Hofmeyr said that the matter had been referred to him in May, but he had asked for "more evidence and information on the subject". He added: "It is the duty of the Court to see that justice is done as far as possible, especially in regard to the less educated Non-Europeans. The Court must not fall into the danger of becoming a rubber stamp." (*Windhoek Advertiser*, July 22, 1958.)

Non-European Education

The Executive Committee of South West Africa has appointed a Commission of Inquiry into Coloured and Native Education with broad terms of reference, to advise on: the formulation of an efficacious system of education for the Native and Coloured communities of the territory as two separate groups; the extent to which the Union systems of Non-European education may serve South West Africa's Non-Europeans; the extent to which primary and secondary vocational training and teacher training syllabuses should be changed to make the proposed systems of education as serviceable as possible to the two racial groups; the control over, and the administration and financing of, Native and Coloured education; the desirability and feasibility of instituting a school feeding scheme and the financial implications of any scheme proposed for Non-European education. (*Windhoek Advertiser*, July 25, 1958.)

The Commission's terms of reference are in many respects identical with those given to the South African Commission on Native Education in 1949 which produced the Eiselen Report which was the basis of the Bantu Education Act.

Labour Bureaux

The Union Minister of Native Affairs, Dr. Verwoerd, said that there was a shortage of farm labour in both the Union and S.W.A. and that to throw open the boundaries for reciprocal recruiting, as had been suggested at one time, would probably have resulted in S.W.A. farmers' losing rather than gaining labour. Instead, farmers in S.W.A. were being assisted by the extension of the Labour Bureau system to S.W.A.; in addition, South African contractors engaged on large public works were being allowed "to take their Union Natives with them temporarily so that the labour in S.W.A. could remain available locally for the usual purposes", including farm work. (*Windhoek Advertiser*, August 8, 1958.)

HIGH COMMISSION TERRITORIES

Advances Towards Legislatures

MR. FENNER BROCKWAY (Labour) speaking in the House of Commons on July 31, 1958 said: "Within the last few weeks there have been two remarkable developments in the British Protectorates in the advance towards the establishment of legislatures. I should find it difficult to express the welcome which I feel towards the recommendation given by the Joint European and African Council in Bechuanaland for the establishment of a Legislative Council there. . . ."

"It is a thing of profound significance to South Africa where racial antagonism exists between White and Black. It is a thing of profound

significance for Central Africa, where there is now conflict between the African and European races regarding their franchise and their legislature that Bechuanaland should have this great honour of being the first territory in the British sphere in Africa where Europeans and Africans have united in making a demand for the establishment of democratic rights."

Speaking of the Defence Agreement existing between Britain and South Africa, Mr. Brockway said: ". . . if the cold war is really a matter of ideology, if it is really a matter of liberty and democracy against totalitarianism and against the denial of liberty, then theoretically there is no more reason why we should have a military agreement with a Government which protects *apartheid* in South Africa than with Governments on the Communist side which are tyrannical and which are oppressive. . . . Why should the Protectorates, except for their geographical position, be involved in a defence agreement with the Union which is their abhorrence and which is their great fear? He asked whether H.M. Government had consulted any of the Advisory Councils in Bechuanaland or the Basuto National Council or Swazi Native Authority before the agreement had been entered into. He summarized the proposals as follows: "First, over-flying rights, which are reciprocal; secondly, search and rescue operations; thirdly, an air strip in Bechuanaland to be inspected for use by South African Air Force aircraft in case of emergency landings; fourthly, a short access route through Basutoland; and fifthly, the right of the South African Defence Force to carry out reconnaissance of an emergency route to South West Africa across Bechuanaland."

Mr. Graham Page (Conservative) said: "It would be utter folly to drop a sort of iron curtain between the Union and the High Commission Territories. . . . After all, we do not get frightened about the Channel Isles becoming a *département* of France because France belongs to N.A.T.O. Surely we should co-operate in defence matters. It seems to me gross exaggeration to see something sinister or evil in those items of defence, which the Hon. Gentleman gave the House, as being undertaken in those territories by the Union". Speaking of the growth of legislatures he said: "It is a significant thing that instead of becoming autocrats, as these African leaders might have become, because in many cases they are head and shoulders above their fellow men there, they have become more and more earnest and active democrats, and it is they, the African leaders, who urged the British administration to establish democratic institutions. I am sure they would all admit that they have had great guidance from the British Administration in doing that, even if the guidance at times has been the restricting hand of a parent."

"Because of that guidance from the British administration, and because of the good relationship which one finds in the High Commission Territories between the African and the ordinary European there, those democratic institutions are now proceeding on the basis of partnership. . . . Can we have any doubt that Bechuanaland is progressing rapidly towards a Legislative Council? I know that my hon. friend will probably have to be cautious about this, because it is still under examination by the High Commissioner and the constitutional experts, and so on, but in face of that very significant resolution, proposed by Mr. Russell England and seconded by Tshekedi Khama, in the Joint Advisory Council, proposing that Legislative Council and the repetition of that resolution in the African Advisory Council, proposed by Tshekedi Khama and seconded by Seretse Khama, I feel confident that the Legislative Council will come, and come very soon. I hope that in the first instance it may be based on an equal representation of Europeans and Africans with, of course, to start with, an official majority."

"In Basutoland the partnership is rather different because there are no European settlers there, but progress is towards a Legislative Council there as well as a council which will turn this partnership between the British administration and the Paramount Chief, plus her Council, from a rather unsatisfactory dualism, as it is at present, into a working partnership. . . . I would not be afraid to give that sort of Council in Basutoland power to legislate for Europeans, provided, of course, that there were certain subjects reserved to the High Commissioner for a time."

"In Swaziland . . . the European Advisory Council has been working for a long time alongside the Paramount Chief and his Council."

"But all this political development must surely be based on economic development."

"In Bechuanaland . . . the C.D.C. with its Lobatsi abattoir, has done a great work in developing the cattle industry. But that cannot remain as a monopoly for ever. I hope that it will develop quickly into some form of producers' co-operative."

The Under Secretary of State for Commonwealth Relations, Mr. C. J. M. Alport, replying to the debate said: "It has been decided in principle that a commission should shortly visit the three High Commission Territories to consider the salaries and conditions of service for both European and African members of the various branches of the administrative services. In addition, I hope that they will be able to look into the question of the remuneration for the technical officers at the same time."

"We fully recognize that to increase the ability of the territories to pay the salaries which are required and to meet the expenditure necessary for the development which is to take place in education, social services and the public services generally, it is essential that we should proceed with economic development as far as the resources of the territories allow. I fully recognize the part which the co-operative organization can play, especially in a country like Bechuanaland which is at present dependent for its economic strength almost exclusively upon a single industry, the cattle industry."

"Mr. B. J. Surridge, Adviser in Co-operation to the Colonial Office, will leave this country on August 13 to visit the territories and will report on the appropriateness of co-operative methods for cattle raising in Bechuanaland. He will also visit Basutoland where already there is a flourishing co-operative movement in being. . . ."

"There has been some progress in Basutoland in finding diamonds, as a result of the confidence which exists between Colonel Jack Scott, a very distinguished and experienced mining engineer and proprietor in the Union and the Basuto people. . . ."

"It is true that Swaziland, which was, only a few years ago, the Cinderella of the Territories, is now on the high road to full development of its resources. We hope that the coal and iron ore will contribute to this but, of course, there is the allied question of ensuring that as these resources are made available communications which are necessary to carry them to the markets they need are also made available, and here we have very recently raised a loan of £1 million for road development in Swaziland. . . ."

"I fully agree with my hon. friend that in Bechuanaland the negotiations which have been going ahead between the Rhodesian Selection Trust and the Bamangwato tribal authorities provide an extremely interesting experiment in partnership. I hope that they may be brought to a successful conclusion and as a result there will be some addition in the form of mineral resources to the economic strength of the territory."

Mr. Alport said the Lobatsi Abattoir had gone through difficult times, but recently it was announced that there was to be a contract for a substantial amount of meat to be exported from Bechuanaland to Israel. If this provides a permanent new market for the industry, in addition to the developments that have been taking place in the Congo and in the Federation, then the future of the industry is very greatly strengthened and that could not have happened if the Lobatsi abattoir had not already been in existence.

Mr. Alport said he could not make any comments on the proposals which have been debated in the Bechuanaland Joint Advisory Council, or those which have been debated in the Basuto National Council, but assured Mr. Brockway that the Government was extremely interested in and encouraged by the points of view which have been expressed in regard to this type of constitutional development. He described the defence agreements as "commonsense agreements in the circumstances of southern Africa".

Basutoland

Constitutional Advances Sought

A REPORT ON Constitutional Reform and Chieftainship Affairs,¹ prepared by two Committees of the Basutoland National Council has been accepted by the Council "without reserve".

¹Maseru—Basutoland 1958.

In September 1955 the Council passed a resolution requesting "that the Basutoland Council be given power to make laws in all internal matters such laws to be confirmed by the Paramount Chief". The Secretary of State for Commonwealth Relations replied that he was prepared to consider proposals whereby the Council should be given power to make laws in regard to internal matters affecting the Basuto alone, but not in regard to matters affecting people other than the Basuto or countries other than Basutoland.

The Two Committees

The Basutoland Council stated that they did not accept the suggestion that its laws should not affect others than Basuto living in Basutoland and decided to set up a committee charged with the duty of framing a detailed reply to the Secretary of State. This Committee came to be known as the Constitutional Reform Committee, and its views together with those of the Chieftainship Committee make up the report.

The Chieftainship Committee was established in May 1936 to examine the whole question of the Chieftainship in Basutoland. Councillor Mopeli Johathen was appointed Chairman and the Committee toured the territory taking evidence during December 1956 and January and February 1957.

The Constitutional Reform Committee decided to seek the help of an expert in constitutional matters and invited Professor D. V. Cowen, Professor of Comparative Law in the University of Cape Town to be their constitutional adviser. Subsequently the two committees decided to work together and additional evidence was called for from the White Traders, the Missions, and the Indian Community.

Territorial History

In the course of a historical survey of Basutoland since its proclamation as British territory in 1868 the report described the Order in Council of February 1884 as "still the fundamental document in Basutoland's constitutional structure". This order vested all legislative and executive power over the territory in the person of the High Commissioner for South Africa.

Acknowledging the importance of the missionary influence in the Territory's history the report states: "It is our earnest desire to create conditions in which the Missions may flourish; for it is only with men and women of good Christian education in the Civil Service, the professions, trade and agriculture that our country can face the future with confidence and courage."

The Report quotes the statements of Mr. J. M. Orpen who writing in about 1880 said there were among the Basutos "all the elements of a regular government, nearly allied to the representative form, which only required to be developed by the aid of Christianity, in order to furnish every possible security of justice and good administration." The report describes the way in which Moshoeshoe had always pointed out that his power depended on the consent of his family, other chiefs and the people as a whole. He would address tribal gatherings on matters of general importance telling the people that they "constituted his power and he was their servant."

While emphasizing the inalienability of Basutoland as evidenced by the fact that White and Indian traders hold no title deeds to their property, the report says that Basutos were seeking the path of civilized government and would never wish to take away the traders' property in haste, or without reasonable compensation. The Basutos were not unmindful of the real advantages which they had brought to Basutoland.

The report describes changes which have taken place in Basuto society and called particular attention to the dilemma of the chiefs and the emergence of a politically conscious middle-class wishing to accelerate Basutoland progress towards self-government of a democratic kind.

It points out that administrative methods of government, well suited to the social and economic organization of Basuto society in the past, have become unsuited as that society has been adapting its structure to meet the new range of problems and opportunities brought through contact with the outside world. The initial stimulus for reform came from the Basuto people themselves since the setting up of the Progressive Association in 1907.

The Committee express the view that estrangement between the Chiefs and people was in part the result of a growing tendency on the part of Government to rule through the agency of chiefs—a tendency which was to become more marked after 1938. Reforms that took place in 1938 as a result of the Pim Report had failed to take adequate account of the growing influence of the Basutoland Council.

The Present Position of National and District Councils

The present Basutoland Council consists of the Resident Commissioner (as President), the Paramount Chief, five members nominated by the Resident Commissioner and ninety-four members nominated by the Paramount Chief, of whom thirty-six are indirectly elected by District Councils and six are elected by various associations. Its functions are advisory in a limited field.

Since its inception the Council has made several steps forward and in 1943 the High Commissioner assured the Council that it was the policy of H.M. Government to consult the Paramount Chief and the Council before proclamations closely affecting the administration of the country and the life and welfare of the people were enacted, "until the time comes for Basutoland to have its own Legislative Council". The Paramount Chief also stated that it was the policy of the Paramountcy to consult the Council on similar matters. In 1950 the Basutoland Council succeeded in ensuring that no Local Rate or Levy imposed by the Paramount Chief under the Native Administration Proclamation should be deemed valid unless it had the concurrence of the Council.

The present District Councils are composed of one Member elected by secret ballot to about one thousand ratepayers, each Principal and Ward Chief in the District and such members of the Basutoland Council as may be nominated from time to time by the Paramount Chief, about four representatives of various African Associations, and the District Commissioner as Chairman. (In most districts, however, a Mosuto acts as Chairman during the major part of a Council meeting.)

The Immediate Constitutional Objectives

The Report summarized their immediate objectives as follows:

"(a) To put forward a fully considered plan, calculated within reason as we see it, to satisfy the desire of the Basuto for a greater share in their own self-government. This aim we feel may best be achieved by:

- (i) modifying the composition of the Basutoland Council and increasing its powers from those of an advisory body to those of a Legislative Council;
- (ii) giving adequate Basuto representation on a properly constituted and powered executive and policy-making body;

"(b) To minimize the effect of dualism, in so far as it is possible to do so by constitutional reform, by linking together into one system of government the authority of the Basuto Nation, as embodied in the Paramount Chief, the Chiefs and the people;

"(c) To foster the growth of efficient institutions of local government;

"(d) To integrate the Chieftainship into the emerging patterns of Basuto society."

It is stated that the proposals made involve a plan for representative (though not responsible) government, and the Committee can conceive of no good reason why a system of responsible government in a given field should not be allowed to develop.

It is recognized that Basutoland—by virtue of its geographical and economic position—cannot in the foreseeable future become a completely independent state, but nevertheless Basutoland's institutions of government should be allowed to evolve naturally so as to become increasingly more representative and responsible.

Recommended Legislative Powers: A unicameral legislature is recommended made up of three senior members of the Civil Service, twenty-two Principal and Ward Chiefs who would be entitled to membership *ex officio*, forty elected members and fifteen nominees of the Paramount Chief, thus establishing parity between elected and non-elected members.

The Committees advise that the Paramount Chief should make the nominations in consultation with the Resident Commissioner but that responsibility for the nominations would be the Paramount Chief's

function of the Resident Commissioner being purely advisory in this matter.

Methods of Election: For the present it is recommended that the District Councils, should be used as electoral colleges for the Legislative Council, the vote being confined to elected members on such Councils. Qualifications of elected members and of voters should be: membership of the Basuto Nation, a minimum age of 21, literacy in Sesuto, residence in Basutoland for a period of six months immediately preceding election, and payment of tax.

The Chairman: In regard to the chairmanship of the Council, the Committee would prefer the Resident Commissioner to be relieved of the duty of presiding over the Council, and to be replaced by an experienced Parliamentary official, in the hope that Basuto members would be keen to train themselves for this high responsibility so that eventually the Council might elect its own Chairman. But it is recognized that this may not be practicable for some time, and therefore it is recommended that the new constitution should clearly make provision for the appointment of a qualified person other than the Resident Commissioner, and for the election in due course by the Council of its own Chairman; but provision should also be made that until such time as another person can be found, the Resident Commissioner may preside.

The Division of Powers: It is recommended that legislative powers should be divided into (a) High Commissioner's Matters, and (b) Basutoland Council, or Self-Governing Matters. Recommended High Commissioner's matters are: external affairs and the defence of Basutoland, internal security, currency, customs and excise, copyright and patents, posts and telegraphs, and the Civil Service.

It is recommended that any bill which in the opinion of either the High Commissioner or the Paramount Chief introduces discrimination on the score of race, colour, or creed, be reserved for the Queen's assent.

The Secretary of State's Conditions

Commenting on the Secretary of State's conditions that laws passed by the Basuto Council should not affect people other than Basuto and countries other than Basutoland, the Report states that the Basuto Nation desires that under the new constitution the Council should have power to make laws affecting the population of Basutoland generally; a 'colour line' would be wholly objectionable.

"Many matters of concern to the Basuto, which should be within the competence of the Council, also 'affect persons other than the Basuto'. For example, if the Secretary of State's condition were accepted, the Council would have no power to make laws in regard to roads, traffic, hospitals, trading, liquor, game fishing, etc. And, of course, the more westernized the Basuto become, the greater would be the difficulty in the way of the Secretary of State's conditions. . . ."

In regard to the second condition the committees feel that the elastic phrase "affecting countries other than Basutoland" is not a suitable one for a constitutional document. The normal phrase would be "external affairs".

Executive Council Recommended

Having dealt with the means whereby the Basuto can be more closely associated with the legislative (law-making) functions of Government, the Report deals with the executive (policy-making and administrative) side. The Committees recommend that official control at the executive level should be both effective and acceptable during the immediately foreseeable future, and, on the other hand, should provide sufficient scope for the exercise and development of the political energies of a people imbued with ideas of self-government. It is not recommended that the Paramount Chief should be a member of the executive body but she should have the right to be informed of all executive decisions and of all proposed legislation, and have certain carefully defined powers of delay, and of reference to the Basutoland Council. The Paramount Chief should also have the right to nominate one of the members of the executive body.

The Resident Commissioner should attend and preside at meetings of the Executive Council.

The Executive body should consist of four senior officials and the same number of unofficial members of the Basutoland Council, the Resident

Commissioner (or his nominee) being in the Chair and enjoying both a deliberate and a casting vote. One of the four unofficial members should be nominated by the Paramount Chief from among the members of the Basutoland Council. The others should be elected by the Basutoland Council by secret ballot from among their own number. It is recommended that the High Commissioner should consult with the Executive Council except in cases which he judges would sustain material prejudice by such consultation or which are either unimportant or too urgent.

The High Commissioner may act in opposition to the advice of the Executive Council, but he should report the matter to the Secretary of State. He should also report to the Secretary of State if he acts in opposition to the advice of a majority of the official members of the Executive Council in cases which have the support of the Paramount Chief.

The Committee underline the importance of the Paramount Chief's position and state that the inclusion of the Paramount Chief on an Executive Council as a voting member would be contrary to Basuto tradition. They recommend the setting up of a small Advisory or Privy Council to consist of the Paramount Chief, the Resident Commissioner, the member of the Executive Council nominated by the Paramount Chief, and one other member nominated by the Paramount Chief. This Council would be merely advisory and no votes would be taken.

The Paramount Chief should exercise executive powers in consultation with the Executive Council unless the matter be too trivial or too urgent to warrant consultation.

District Councils

The Committee envisages that District Councils, composed of members in the proportion of one per 2,000 taxpayers with a minimum of fifteen members in each Council, should be given power to make bye-laws, subject to confirmation by the Executive Council. They should each have their own treasuries, consisting of a grant from the central government, rates and taxes, licence monies, and the proceeds of sales and fines.

A College of Chiefs

The report contains a major proposal for helping to solve the problem of Chieftainship. This is that a College of Chiefs should be established, consisting of the Principal and Ward Chiefs of the Territory. Later the Chiefs may add to their membership by a process of election. It will, however, be necessary for this body to elect a small Action Committee to do the day to day work. The College of Chiefs should perform three main functions, which are interrelated, namely: (i) the recognition of chiefs (ii) Adjudication upon cases of inefficiency, proved criminality, and absenteeism on the part of Chiefs. (iii) Adjudication upon disputes concerning succession to Chiefdoms.

Conclusion

The Report states: "The constitutional scheme which we have recommended should be judged as a whole, and it must not be assumed that we would be prepared to recommend some part of it without regard to its relation to other parts. . . . The basic framework within which any worthwhile advance in Basutoland's constitutional position can take place is: (a) the establishment of a Legislative Council of the kind described in this report; (b) the association of Basuto in the work of an effectively powered Executive Council; and (c) the establishment of Local Government.

Capital expenditure that would be involved in implementing the proposals is estimated at £20,000 spread over, say, two years. Recurrent expenditure would increase initially by approximately £33,000 per year.

Swaziland

Swazis Plan their own Factories

THE Swazi people are thinking in terms of building their own factories in the protectorate, and are discussing plans to raise £3,500,000 by means of a £1-a-year levy on all Swazis. The President of the Swazi National Association in Johannesburg, Mr. MacDonald Maseko said: "The sum

of £3,500,000 is not an impossible one. We estimate that there are about 750,000 Swazis in the Union to collect from."

Mr. Maseko went to see the Paramount Chief-in-Council to discuss the plan and on his return to Johannesburg he said: "We have great and inspiring news for our people." But the Paramount Chief's message to his people was delayed because of difficulties in getting permission to hold a meeting of the Swazi National Association in Johannesburg. (*Rand Daily Mail*, August 4, 1958.)

WEST AFRICA Ghana

Dr. Nkrumah in Canada and U.S.A.

AN address to the combined Houses of Parliament—the Commons and the Senate—in Ottawa was the occasion for the first major speech of Dr. Nkrumah's tour. He was given a standing ovation on being introduced by Mr. Diefenbaker.

The Prime Minister told the assembly: "We will always support the Commonwealth as long as it continues to be based on sound democratic principles and respect for sovereign nations." He found nothing incompatible between Ghana's membership of the Commonwealth and United Nations and in pursuing her own particular African objectives.

At a Press Conference in the Parliament Buildings, Dr. Nkrumah said he had no fears that foreign investment in Ghana would mean too much influence from abroad. The Government had a clear policy of overseas investment. Certain industries could be best set up by foreign and private investment, others by the Government and some by the co-operation of both.

The Prime Minister was accompanied by two Ministers, Mr. Kojo Botsio and Mr. Kofi Baako.

In Washington, Dr. Nkrumah met President Eisenhower and Mr. Dulles and addressed the Senate and the House of Representatives at separate sessions. The joint statement issued at the end of the visit said representatives of the two Governments had explored the types and scope of assistance which the U.S. Government might be able to extend to Ghana. The United States expressed appreciation of the contribution which the Volta River Project could make to the economic development of Ghana; and it agreed "to continue to explore with private American interests the aluminium manufacturing phase of the project and to consider whether it might assist with loans if the required financing were assured."

The two Governments agreed to share the cost of bringing up to date the engineering reports of the scheme which were prepared three years ago. America also undertook to examine Ghana's next Five-Year Plan and to consider fields in which it might be able to co-operate through development loans.

After referring to an exchange of views on the Middle East situation, the statement added: "It was apparent that both countries share the same beliefs of mutual respect for the sovereignty and independence of nations, non-interference in the internal affairs of other nations, social and economic progress for all peoples and the rights and dignity of the individual."

Dr. Nkrumah spoke of the aspirations of the African States as expressed at the Accra Conference; and the President emphasized the "sincere interest of the United States in the orderly political, economic and social advancement of the peoples of the African continent."

Dr. Nkrumah spent five days in London before returning to Accra. (*Ghana To-day*, August 20, 1958.)

It was subsequently announced that a seven-man engineering team from the United States is to study the economic and engineering feasibility of the Volta River hydro-electric project. Mr. Krobo Edusei, Minister of the Interior has been given responsibility for the general supervision of the Trans-Volta region.

Regional Assemblies Bill

The Regional Assemblies Bill, which provides for the establishment of five Regional Assemblies with effective powers in specified fields led to a walk-out by the Opposition when the Bill was in committee stage.

Mr. A. E. A. Ofori Atta, Minister of Local Government, in moving the second reading of the Bill, said that it was based on the Van Lare Constitutional Commission Report which was published on June 21.

The Minister said that the Ghana Constitution provides that as soon as convenient, after the submission of the Commission's report, the Minister responsible for Local Government should introduce in the National Assembly legislation to give effect to the recommendations of the commission.

The Minister said that the report of the Constitutional Commission was signed on April 14. In the appendix to the report was a draft of a bill designed to give effect to the Commission's recommendations.

Several opposition speakers asked that the Bill should be implemented in the form originally proposed by the Van Lare Commission since amendments would lead to a re-opening of the whole issue.

The Government, however, introduced 110 amendments at the Committee stage which the Speaker ruled "did not infringe the principles of the Bill as approved on its second reading". He said it was true that the amendments made considerable variations in the duties the Regional Assemblies had to perform, he was satisfied that those were matters of detail.

Mr. S. D. Dombo, Deputy Leader of the Opposition, then made a dramatic speech which led to the walk-out.

He said that the Opposition "are not going to be party to this farcical drama before us here. We feel that the amendments fundamentally affect the principles of this Bill and are contrary to the rules of Parliamentary procedure and we are not prepared to accept the Speaker's ruling in the matter."

Later the Bill passed through its committee stage with amendments. (*Accra Daily Graphic*, August 12 and 15, 1958.)

No New Regions Yet

Mr. N. A. Welbeck, Minister without Portfolio, explained to the House of Assembly that the appointment of two Regional Commissioners for Accra and Western Ashanti respectively did not mean the creation of new regions in addition to those already sanctioned by the constitution.

Mr. Welbeck said: "Since these additional appointments were made, it has been suggested in certain quarters that the constitution of the country was being infringed and that we had created regions in addition to those already sanctioned by the constitution. . . ." All that the Government had done, Mr. Welbeck said, was to appoint additional Regional Commissioners to assist in the better administration of the existing Ashanti and Eastern Regions.

Mr. Welbeck then said that "as soon as the constitution permits" new Regions would be created. (*Accra Daily Graphic*, August 27, 1958.)

Preventive Detention Bill¹

A preface to the Preventive Detention Bill says: "It is considered necessary that there should be powers to deal effectively with Ghanaian citizens whose actions are prejudicial to (1) the defence of Ghana (2) the relations of Ghana with other countries or (3) the security of the State. The object of this Bill is to provide the necessary powers to detain for a limited period any such person." Mr. Baako said that events on the African continent were moving fast. It was essential that the Government should be in a position to control any outside attempt to organize a revolt in Ghana and to prevent Ghanaians taking advantage of troubled conditions elsewhere to involve Ghana.

The Prime Minister, speaking in support of the Bill, said "In less than two years of independence, Ghana has achieved influence primarily because we are regarded as a country in the forefront of the movement for the independence of the whole of the African continent. "For that very reason there are many forces in the world today who would like to see us fail. . . . We should not deserve to survive if we shut our eyes to what has been happening in other countries. . . ."

¹DIGEST VI, 1.

"On the African continent itself an armed struggle for liberation is now being fought in Algeria. Through the discipline of our own people we were able to achieve our independence by peaceful means and we, therefore, believed that a similar peaceful solution is possible for the Algerian situation.

"We cannot be blind to the fact, however, that such a solution may not be possible and that the repercussions of the Algerian war might spread throughout the African continent. It is obvious that there is a grave danger of these disturbed conditions affecting Ghana.

"I wish to make one point absolutely clear. The Government believes that Ghana must pursue a policy of strict neutrality and non-interference in the affairs of other countries. . . .

"Now let me emphasize one or two points about this Bill. First, the only persons who need be alarmed about it are those who are either attempting to organize violence, terrorism or civil war or who are acting as fifth columnists for some foreign power interested in subversion in Ghana.

"Secondly, the Bill has been deliberately drafted so that the Government can deal resolutely and without delay with any attempt to subvert the state by force. The Government are determined not to be caught unprepared, as a number of other states have been, by subversion either from within or without.

"Thirdly, the Government is determined to preserve both justice and freedom. The Government sets the greatest value on the existence of the courts and on maintaining their independence." Mr. Braimah, a member of the Opposition, moving an amendment that the Bill should be read in six months' time, said that the measure was so vague that no one knew exactly what amounted to an offence under it. Stability and calm had been restored in Ashanti and other parts of the country not by detention without trial but by prosecution in court.

An Opposition amendment rejecting the Preventive Detention Bill was defeated by sixty-eight votes to twelve. (*Daily Graphic*, July 15, 1958.)

Trade Expansion

A trade agreement signed between Ghana and Israel provides for Israel credit to Ghana of \$20 million (about £7.14 million) over the next six years. The agreement negotiated some months ago, when a Ghana trade mission visited Israel, was signed after financial arrangements had been completed between the Bank of Israel and the Bank of Ghana. Full details of the agreement are not yet available, but it is believed that half the sum is to be used by Ghana for the purchase of Israel merchandise in exchange for Ghana commodities, while the other half will be granted by Israel to Ghana as a credit. This trade agreement follows the earlier agreement between Ghana and Israel for the establishment of the Black Star Line.

New steps are being taken to promote overseas investment as well as trade. Mr. Kojo Botsio, the Minister of Trade, has announced in Parliament that a Commissioner for Industrial Promotion, an Assistant Commissioner, an industrial economist, and an industrial engineer would be appointed to persuade overseas industrialists to come to Ghana. An official, non-statutory Industrial Promotions Board has also been set up which is intended to streamline the present administrative machinery for obtaining import licences, tax relief, priority connexions to water, electricity and other services. Mr. Botsio said it was hoped that these arrangements, in addition to recent company tax concessions, would go a long way to attract the right type of industrialist. (*West Africa*, August 23, 1958.)

The Times (August 20, 1958) commented: "From Ghana's point of view the benefits to be gained from such an arrangement are obvious. Her urgent needs are still capital and manpower. The recent Budget statement indicated that the Government hopes once again to find the money for current expenditure from general expansion of the economy rather than from cocoa revenue, which ought to be used to increase capital reserves. To achieve this expansion Ghana will need to make full use of what help she is offered. The catholicity of her foreign policy avoids embarrassment; though the Ghana Government is on friendly terms with Egypt, it has also been at pains to be in accord with Israel. Israel, for her part, has been quick to establish a workmanlike relationship with Ghana. This is not

the first agreement between the two countries. Last year an Israel shipping firm provided 40 per cent of the initial capital for the establishment of the Black Star shipping line. Balked from securing her position by the hostile Arab nations, it is obviously in Israel's interest to make friends with countries immediately outside that ring."

Radio Ghana

Work on the first phase of the Government's plan for an international broadcasting service has started. Mr. Kofi Baako, Minister of Information and Broadcasting, said that within two years' time it was hoped to have a new transmitting station with four 100-kilowatt transmitters with arrays of antennas so directed as to be able to reach all the countries of Africa and the Near East for set periods of each day. Other areas of the world which cannot be reached easily by direct transmission would be served by programmes which would be prepared on tape or discs, or they would be served by short-wave relay for rebroadcast over existing radio systems. Programmes from the Accra Studios will go out in English and French and later in Arabic, Hausa, Portuguese and Swahili.

The recurrent cost of external broadcasting would be about £50,000 in 1958-59, in addition to the amounts provided in the estimates. This will rise to £240,000 when the scheme is in full operation.

He added that television would come before many people had expected it. (*Accra Daily Graphic*, August 21, 1958.)

Nigeria

Federal Self-Government: 1960

THE Federal House of Representatives has approved a Private Member's motion asking the House to mandate the Federal delegates to the Resumed Nigerian Constitutional Conference due to be held in London in the autumn (from the week beginning September 29, 1958) to ensure that the Federation of Nigeria becomes independent on April 2, 1960.

Introducing his motion, Mr. R. A. Fani-Kayode of the Action Group claimed that the motion was the righteous and united demand of the people of Nigeria through all their accredited leaders. He said that the Secretary of State for the Colonies had accepted the spirit of the motion but had been unable to accept a fixed date in 1960.

Mr. Fani-Kayode, ending his speech said: "Our greatness will lie not in achieving independence, but in what we shall have achieved with independence. The vista of glory is infinite with internal solidarity, with patience and tact in foreign affairs and national strength, Nigeria is destined to lead Africa, South Africa and Black Africa as a whole—to the total emancipation of all our peoples; creating a force among the nations of the world, a force for peace and a living example of international community amongst all the peoples of the world."

The Prime Minister, Abubakar Tafawa Balewa, reminded the House that before the grant of independence there were many questions which would have to be answered. In the first place there would have to be election of the new House of Representatives. The Federal elections could not be held before November 1959 and the new House might not be expected to meet until some time towards the end of December or even in January 1960. The Prime Minister also mentioned the creation of a Senate Chamber and the appointments of Senators and discussions between the Secretary of State, the Regional and Federal Governments on the surrendering of certain powers now held by the Governor-General when Nigeria becomes independent.

There was applause when the Prime Minister declared "I think with the co-operation of the United Kingdom Government, with the co-operation of the Regional Governments and the Federal Government we shall be able to settle all these questions before April 2, 1960." (*News from Nigeria*, August 9, 1958.)

Northern Region Self-Government

The Northern House of Assembly has adopted the Government's White Paper on Regional Self-Government. This proposes that the Northern Region should become self-governing on March 15, 1959.

The Premier said: "We are ready to take on the grave and weighty responsibilities of self-government. We do so with joy in our hearts and determination to build a happier and more prosperous Region." The Governor would no longer preside over the Executive Council after self-government but would have certain reserved constitutional powers in relation to the Federal Government which he would still be able to use should he consider anything was being done in the Region which might jeopardize the position of the Federation. These powers he will hold until the Federation becomes independent. The Governor will also have reserved powers as far as the Northern Cameroons is concerned.

The Northern House of Chiefs has approved a motion proposed by the Regional Premier, the Sardauna of Sokoto, calling for self-government for the Region on March 15, 1959. The Emir of Katsina, Alhaji Usman Nagogo supporting the motion said: "We have both to be grateful and proud that we shall now be given back the reigns of administration of our country taken away fifty-five years ago." He expressed gratitude to both expatriates and indigenous staff who have laboured for the progress of the Region towards self-government. The chiefs and politicians, he said, must pluck up courage and shoulder responsibilities of self-government and rule "with genuine honesty and justice". Judicial officers must exercise equity to help win the confidence of the people.

The Emir of Lapai, Muhammadu Kobo, warned the Region's delegates to London to be very vigilant when they go to seek freedom.

The Onihoyi of Igbirra appealed to the London Conference delegates to negotiate for a constitution that will not steal away the Region's liberty to live in our own way, heritage, and native laws and traditions which stood among the best in the world.

Many Emirs who spoke in support of the motion praised the work of the Regional Government and opposed the enfranchisement of women, the merging of any part of the Region with other parts of the Federation and "anything that would undermine Muslim religion and freedom of worship". (*News from Nigeria*, August 9 and 16, 1958.)

Resumed Constitutional Conference

The resumed Constitutional Conference commences in London on September 29, 1958. The Governor-General of the Federation is inviting parties and organizations who were represented at the 1957 Conference.¹ The recently published reports of the Minorities and Fiscal Commissions will be amongst the subjects considered.

Dr. Nnandi Azikiwe, Prime Minister of the Eastern Region, has said that he regards the main object of the London conference as "the commitment of the British Government to granting independence to Nigeria on April 2, 1960". All other considerations were secondary and the N.C.N.C. would try to co-operate with other delegations to ensure that the major objective was achieved.

The Action Group, the governing Party in Western Nigeria has said that their delegation will co-operate with other delegations to ensure independence on April 2, 1960: but the conference had "quite a job" in dealing with the reports of the fiscal and minorities commissions.

Minorities Commission Report²

The Minorities Commission which was set up under the Chairmanship of Sir Henry Willink to inquire into the fears of minorities and the means of allaying them has been published, and its findings will be discussed at the forthcoming constitutional conference.

The Report stated that in each of the three Regions of Nigeria there was a minority or a group of minorities who described fears and grievances which they felt would become more intense when the present restraints were removed and who suggested as a remedy a separate state or states. "We were instructed, in the second clause of our terms of reference, to recommend safeguards in the Constitution; the third clause instructed us to make recommendations for the creation of new states 'if, but only if, no other solution seems . . . to meet the case'." In each Region, the conclusion was reached that—on its own merits—a separate state would not provide a remedy for the fears expressed; nevertheless, even when allowance had been made for some exaggeration, there remained a body of genuine fears and the future was regarded with real apprehension.

¹DIGEST IV, 1-6, and V, 1.

²DIGEST V, 3.

In considering the problem within each Region, the Commission found that it was seldom possible to draw a clean boundary which did not create a fresh minority; the proposed state had in each case become very small by the time it had been pared down to an area in which it was possible to assert with confidence that it was desired. Some years ago, before the relations between the Federation and the Regions had crystallized, it was possible to conceive a larger number of states with smaller powers, but a new state created today would have to compete with the existing Regions and the cost in overheads, not only financial but in resources—particularly of trained minds—would be high. This consideration, when combined with the difficulty of finding a clean boundary, was in each particular case to our minds decisive.

The Commission believes that Independence may bring a closer unity amongst Nigerians because of the need to face the outer world. The Report stated "It is of the first importance to find means of allaying fears which do not perpetuate differences that might otherwise disappear. This is the reason why we do not accept in its entirety the principle of ethnic grouping, that is, the principle that a recognizable ethnic group should wherever possible form a political unit."

The Commission give as their reason for believing minorities to be in greater danger from Regional than from Federal Governments, the fact that in each of the Regions there is at present an assured majority with one main interest; in the Federation, on the other hand, it seems more likely that there will be a balance of interest between different groups. In fact the Report pointed out that in the Western Region, voting is already divided among the Yorubas on party lines and, once a party system is established, neither party can afford to neglect minorities. . . . The whole structure of the proceedings leading to independence is based on the belief that Nigeria means to follow the road of liberal democracy and parliamentary government; to base parts of the structure on the opposite assumption is to invite governments to do their worst. But if that road is followed, votes will count and in the last resort it is the votes that will win fair treatment for minorities.

Police Forces

The Report emphasized the importance of the police in maintaining law and order and thus allaying the fears of minorities. The police provide the only defence against the use of physical force by party gangs who use force to intimidate those in opposition to the party in power. It follows therefore that if the police became a solely Regional Force their power to protect these minorities would disappear. It is recommended that there should be in each Region a body of police of sufficient strength and independence of outlook to deal, for instance, with political "strong arm groups". Its independence would be helped if it were a purely Federal force, but if this meant that it was separated from the day-to-day running of the Region, the object would be defeated; it is only by the Force's intimate concern with the normal arrangements for Regional law and order that the minorities will gain any security by its presence.

The Commission expresses the view that the dual responsibility for law and order of the Federal and Regional Governments should be recognized, and as between these two the Federal must prevail. A division of subjects between Federal and Regional police, and even the existence side by side of two forces each responsible to a different Government will lead to confusion and inefficiency. No police force can be fully effective unless it is concerned with the day-to-day running of the area in which it has jurisdiction. Therefore no force should be retained purely as a reserve with no active day-to-day role. There should therefore be one Nigeria Police Force which should serve both Federal and Regional purposes.

There should be no Regional Police Force although in our view it is desirable that the Regional Government should share financial responsibility for the Nigeria Police with the Federal Government. There should be no exclusively Federal Police Force, although parts of the police organization will be used exclusively for Federal purposes. Machinery should be devised which will enable the Federal Government and the Governments of the Regions jointly and regularly to consult as to the raising, payment and administration of this force, as to the division of financial responsibility between the Governments and as to the size and composition of the detachment normally posted to each Region. But in the

event of disagreement, the views of the Federal Government must prevail.

Special Areas

It is recommended that a new subject should be placed on the concurrent area, that of "The Development of Special Areas". The whole of Nigeria should be concerned with any area which is poor, backward and neglected and the Commission suggest that a Federal Board should be appointed to develop a particular area and with powers to call on the Regional and Federal Governments for help. The area particularly discussed by the Commission in this connexion is the Ijaw Area which lies in both the East and West Regions. The Report stated: "The declaration of the Ijaw country as a Special Area would direct public attention to a neglected tract and give the Ijaws an opportunity of putting forward plans of their own for improvement. It would be difficult for either Government to justify to the electorate either a blank refusal to accept a plan recommended by the Board or a failure to implement an accepted plan."

Minority Areas

Referring to the setting up by the West Regional Government of the Mid-West Advisory Council, the Report stated that this had already gone some way in trying to allay the fears of minorities, although it did not yet inspire confidence. The Commission recommend that such an Advisory Council should be more representative of local interests and possibly more restricted in its field of operations, concentrating on the Edo-speaking districts and thus coming to be regarded as an Edo Council. Because of the direct interest in minority regions of the Federal Government, because of its concurrent responsibility for the maintenance of law and order, the Commission recommends that Annual Reports should be prepared by the Advisory Council and laid before both the Regional and Federal Houses, who would each be given an opportunity to debate the Report. A Calabar Council is also recommended.

Fundamental Rights

A group of Christian bodies which appeared before the Commission asked only for the provision in the Constitution guaranteeing certain fundamental rights, but other witnesses though welcoming such provisions were afraid they would not be sufficient. In the Commissions view such provisions though difficult to enforce should be recommended. The following fundamental rights are amongst those listed: the right to life, protection against inhuman treatment, protection against slavery or forced labour, the right to a public hearing and fair procedure in criminal charges, protection against retrospective legislation, freedom of expression, freedom of movement, freedom of religion and religious education, and protection against discrimination.

Northern and Western Regional Boundary

It is recommended that there should be no change in the boundary between the Northern and Western Regions except as the result of a plebiscite. In any area to be transferred there should be at least 60 per cent vote in favour of such transfer.

Muslim Law

It is recommended that the Northern Regional Government should adopt the following proposals:

Non-Muslims to have the option of being dealt with by non-Muslim courts.

A Regional service of Alkalai to be instituted who would be appointed and administered by a Judicial Service Commission.

Prisoners' friends to be permitted and improved arrangements made to facilitate appeals and to ensure that copies of court records are not delayed.

General Suggestions

The Commission concluded its Report by suggesting that the question might be considered of subsidizing the rehabilitation and replanting of old rubber plantations; the creation of a Rubber Marketing Board should be thoroughly explored. A Commission for the conduct of elections should be created for both Federal and Regional elections. Control of communal land should eventually pass to a democratic body, though it may in the

meantime be desirable to associate traditional rulers with it. An intermediary body of Chiefs not merely local should be created to consider questions of the appointment and removal of Chiefs. It would be unwise to introduce or perpetuate restrictions on the sale of land to persons not native to an area. The introduction of trial by jury and of a "Public Defender" should be reconsidered in consultation with the Bench and the Bar. Regional Governments should retain the power to supersede, but should not have the power to pack, a Native Authority.

Comment on Minorities Report

The *Economist* (August 23, 1958) commented: "The commission places its faith in a system in which minority rights in the regions should be safeguarded by the normal democratic sanction of the need to woo votes, coupled with adequate Federal control over the police to ensure that the Regions do not pervert the democratic process. The commission opposes attempts to create constitutional safeguards for minorities five minutes before independence; experience supports this view. . . . But the nub of the Willink recommendations is that no further transfer of power from centre to Regions should take place.

"The commission's reasoning is that national parties and national leaders competing for control of the Federal Government, will have to woo the votes of minorities in the separate Regions, since the majorities in the Regions are not likely to be in more than temporary alliance; and, that having won the votes, the parties will have to deal with their constituents' grievances. This automatic check to despotic one-party rule in the Regions has already been encouragingly demonstrated in Nigeria."

West Africa (August 23, 1958) said: "Of the Report's section on the Ilorin and Kabba boundaries . . . it would be difficult for any reasonable person, after reading the evidence to reject the recommendation that, if general agreement is reached at the constitution conference, there should be a plebiscite to decide whether Ilorin and Kabba Divisions should go to the West, but that a majority of 60 per cent of those voting must support a change, if it is to be made. The question arises, however, what is 'general' agreement, when the only people who really matter are the Action Group and the N.P.C.? But here, at least, the commission have given an answer to an urgent problem.

"Perhaps, the strongest criticism which could be made of the report is that it should have been less decisive in rejecting, apparently for good, the idea of 'separate states'—that it should have left the door open, since some objections, particularly the economic ones, might disappear, which it would have been much easier to reach compromise at the London conference if there was a possibility of re-opening the minorities issue, say, in five years."

An article entitled "Nigeria takes it calmly", in *West Africa* (August 23, 1958) said: "The first major reaction came . . . from Chief Awolowo whose party, the Action Group, supports the creation of a Mid-West Region in the Western Region itself, and is allied closely with the minority groupings in the other Regions. He said at a Press conference that the report was a 'bad and astonishing document'. He went on to say that the Commission had completely failed to deal with the fundamental causes of minority fears, which were the 'dictatorial and totalitarian tendencies inherent in the characteristics of certain major ethnic groups in the country'. He criticized the recommendations for safeguarding the independence of the police, saying that it was fallacious to suppose that checks and balances at the centre would prevent misuse of the police force 'at that level'; if leaders couldn't be trusted with responsibility for the police in the Regions, why should they be trusted at the centre?

"Another point of criticism by the Western Premier was the Report's recommendation for associating the Federal Government with the development of 'minority areas'. This he said was a 'palpable derogation from the authority and status of the Regional Governments'.

"The Commission's recommendation for settlement of the Ilorin boundary dispute was accepted by Chief Awolowo, but Abba Habib, general secretary of the N.P.C., while welcoming the report in general, opposed it. In view of the recent statements by Northern spokesmen, including important emirs, about the North refusing to 'cede an inch of territory', this is not surprising. Abba Habib claimed that the report made

it clear that 'if a change is made, no present problem would be solved'.

". . . Abba Habib claimed that the report supported the N.P.C.'s case completely. He said that his party had never denied there was a minority problem in their Region, but the N.P.C. claimed that minorities had always received fair treatment from the Government and that without any revision of frontiers they would continue to do so. He contrasted the Report's finding that 'Riverain' areas in the North were well served by the Regional Government, with its picture of neglect of Ijaw areas in East and West Nigeria. . . .

"Like the N.P.C., the N.C.N.C. in general accepts the report fully. Dr. Azikiwe has called it 'a studied effort to preserve the corporate existence of Nigeria as a great African nation'. He thought the report was objective, scientific, and constructive. It recognized the basic need for each unit of the Federation to be self-contained, as well as the need to develop a sense of unity: it was a 'vindication of the stand of the N.C.N.C. that, other things being equal, a strong centre, with Federal control of the police, could transform the Nigerian Federation into a perpetual union of which Nigerians could be proud.'

"Chief Festus Okotie-Eboh, treasurer of the N.C.N.C., who is himself a Jekri and therefore personally affected by recommendations about a Mid-West state, claims that the report vindicates the stand of the Mid-West state movement. The proposals for the creation of special areas and minority areas were a recognition of the fact that the minorities' fears were real.

". . . Mr. Patrick Dokotri, general secretary of the United Middle Belt Congress Action Group Alliance, has described the report as 'disappointing'. He is reported as blaming the British for having integrated the peoples of the Middle Belt into the Muslim North, saying that if they continue in that region they would have no opportunity of developing their own customs.

"Mr. Dennis Osadebay, leader of the Mid-West movement, declared that it would oppose independence for Nigeria in 1960 because it would 'doom minorities to bondage and suffering'. The report had 'left us exactly as we were'. The Mid-West movement would ask the constitution conference for a plebiscite in the Mid-West.

"From Calabar there is little enthusiasm from the supporters of the C.O.R. State. But there is some grudging satisfaction at the recognition of Calabar's special position. The Rivers State Movement seems pleased, presumably because of the report's treatment of the Ijaw case."

The *Manchester Guardian* (August 19, 1958) said: "The Report recommends writing into the Constitution a firm and clear declaration of personal rights (based on the definition of human rights approved by the United Nations), and entrusting the protection of these rights to the Federal Government, acting through a Federal police force and a Federal judicial service commission, making judicial appointments right down to county and district level. This recommendation will be unpopular with many local politicians, to whom a regional judiciary seems an essential element in a regional system of government. But we hope the conference will accept it nevertheless. It is a difficult course, involving the retracing of steps already taken and the abandonment of prejudices strongly held. It depends on the plausible, but not certain, assumption that no one group will dominate the centre. Yet on the whole it is the most promising way out of the problem—the likeliest way to lead to a strong, united and democratic Nigeria.

The Fiscal Commission's Report¹

At present revenue from import duties is divided between the Federal and Regional Governments as follows: 100 per cent of import duty on motor spirit is returned to Regions in proportion to estimated distribution for consumption in the Regions, 50 per cent of the duty on tobacco is returned to Regions in the same way while the Federation retains the rest, and of other import duties 50 per cent is distributed among Regions and the Federation retains the rest.

The Commission recommends that general power to control and tax imports should remain with the Federal Government, which should also retain jurisdiction in the field of export and excise duties. While basic jurisdiction to impose sales taxes should be exclusively Federal they want

¹Nigeria: Report of the Fiscal Commission, H.M.S.O.

the Federation to retain all import duties, other than those on tobacco and motor spirit (including diesel oil for use in road vehicles), which, with tobacco excise duty, should be returned in full to Regions.

At present half of all import duties collected is returned to Regions in proportion to the amount of duty deemed attributable to produce from each Region. The Commission recommends that the Federal Government should retain the right to levy export duties, but that in future all revenue from duties on produce and on hides and skins (and semi-processed commodities such as ground-nut oil) should be returned in full to Regions of origin.

The Commission emphasizes the need to ensure complete freedom of internal trade throughout the Federation, a need which is the main limitation on exercise by Regional Governments of 'plenary fiscal jurisdiction'. Provisions to safeguard free movement of trade should be written into the constitution.

The Commission recommends that Regional Governments should not be empowered to levy taxes on motor vehicles in substitution for existing Federal import duties. Arrangements to be adopted for any new excise duty or sales tax should be decided by the Federal Government on the merits of the particular case. The Federal Government should have power to allocate to Regional Governments the whole or part of the proceeds of such new tax in accordance with principles prescribed in the enactment imposing the tax. Present arrangements for licences and fees should continue, except that revenue from fees for craft on inland waterways should be retained by the Federal Government.

Basic jurisdiction over personal income tax on Africans which should be extended to include Non-Africans, should, the Commission recommends, be retained by Regions.

The Federal Government should arrange for a draft Income Tax Management Bill to be drawn up, the principles of which should be discussed at a conference of representatives of all governments. The Federal Government should be able to enter the field of personal income tax in time of war or defence emergency.

Jurisdiction over estate duty, recommends the commission, should be concurrent. Jurisdiction for company tax should remain exclusively Federal, and the whole of the proceeds be retained by the Federation.

Jurisdiction over mining royalties and rents should continue to be exclusively Federal, but the Commission suggests that whenever a profit-sharing arrangement is negotiated between the Federal Government and an oil company, the Federal Government should consider the desirability of associating other governments within the Federation as parties. It should be made clear in the constitution that the Federal Government's jurisdiction extends to all fiscal arrangements and transactions for mining. Mining and mineral royalties and rents should be shared between Regions of origin, the Federal Government and all Regions together, the last by means of a Distributable Pool.

The Federal Government is to dispose of this pool of revenue to Regions according to a formula taking account of "continuity", size of population, the minimum responsibilities of the Regional Governments, and the balanced development of the Federation. The Commission recommends that 70 per cent of general import revenue (other than that on petrol and tobacco) should be retained by the Federal Government and an amount equal to 30 per cent should pass into the Pool. The Distributable Pool should be divided between the Regions as follows: North 40 per cent, West 24 per cent, East 31 per cent, Southern Cameroons 5 per cent. The Regions should themselves maintain an additional revenue equalization element in reserve in view of their increased dependence on produce revenue.

The Commission recommends that there should be the closest possible consultation between Governments over taxation matters. Governments, they say, may like to consider whether the National Economic Council or a Committee of it should be specifically charged with the task of discussing taxation matters. There is a continuous general need for consultation between Governments and business administrations in respect of taxation matters.

On loan policy and capital issues the Commission recommends that the Federal Government should consult with H.M. Government about detailed steps to be taken to secure trustee status for Nigerian issues in the

U.K. External borrowing should remain on the exclusive Federal list, except that the definition of such borrowing should not include short-term borrowing by a Regional Government on the basis of its external assets. A provision should be included in the constitution, authorizing the Federal Government to deduct from the proceeds of revenues, which it collects and which are statutorily payable to a Region, such sum as is required to meet the liability of that Region in respect of servicing of loans from the Federal Government. Borrowing within Nigeria by a Region for its own purposes should continue to be a "residual subject", i.e. a subject reserved to Regions. Control of capital issues should be added to the list of functions reserved to the Federal Government.

The only provision for amendment in respect of revenue jurisdiction should be that which applies to the amendment of the constitution generally.

The Commission concludes by recommending that the constitution should make specific provision for the Federal Government, after consultation with the Regional Governments, to appoint from time to time a Fiscal Review Commission. The first Review Commission should be set up not less than three nor more than five years from the date of introduction of the new revenue allocation system.

In a preliminary report the Commission concluded that the principle of derivation is accurately reflected in the present method of allocating to the Regions their share of the proceeds of export duties, mining royalties, mining rents, income tax and small craft licences. It is said that the present system of constitutional grant to the Southern Cameroons had not been a success. They recommended that, with effect from April, 1958, the Southern Cameroons should be treated as if it were a Region for the purposes of revenue allocation, and that 2 per cent of import duties (other than petrol and tobacco) should be attributable to the territory. (*West Africa*, August 9, 1958.)

West Africa (August 2, 1958) commented that the Commission's proposals successfully, in the words of the terms of reference, secure 'that the maximum possible proportion of the income of Regional Governments should be within the exclusive power of those Governments', while ensuring that, if such income is 'insufficient to provide not only for their immediate needs but also for a reasonable degree of expansion', further funds from the Federal Government (whose own further needs must also be kept in mind) will be available to the Regions.

But, using the experience of previous schemes and taking account of the political atmosphere of Nigeria, the Commission has produced recommendations which, as they say, are closely interrelated, so that any single alteration might affect the scheme as a whole. They have given the Regions the maximum fiscal autonomy consistent with maintenance of the Federation—indeed, the strongest criticism which could be made of the Commission's recommendations is that they leave the Federal Government too little room to manoeuvre, and estimate a budget surplus in future years which is too small to provide capital.

If the delegates to next month's constitution conference keep clearly in mind the need, which the Commission emphasizes, to ensure complete freedom of internal trade throughout the Federation, and the need to ensure the financial stability of the Federal centre, which is the main guarantee of the financial stability of Nigeria as a whole, and of its creditworthiness and its ability to attract capital, they cannot come to conclusions very different from those of the Commission.

The Economist (August 23, 1958) said that the Commission "was hampered by its terms of reference, which required it to secure the maximum proportions of independent revenue . . . the Commissioners' recommendations would leave the Federal Minister of Finance with far too little elbow room to initiate national policy; for this he would need expanding resources of revenue to finance Federal needs, and also to finance desirable development in the Regions, especially in the minority areas."

Foreign Investors Encouraged

Following the attainment of self-government by the Governments of Eastern and Western Nigeria and the progress now being made towards the same goal by the Governments of Northern Nigeria, the Southern Cameroons and the Federation of Nigeria, a joint statement first published

in 1956 has been reissued to reaffirm the assurances previously given by the five Governments to overseas investors.

The statement points out that Nigeria is rich in mineral and agricultural raw materials, including tin, columbite, lead, zinc, gold, iron, carbonaceous fuels, cocoa, cotton, and other fibres, oil seeds, rubber, and hides and skins. It states that the Nigerian economy has expanded rapidly in recent years. It gives the population of the Federation as 34 million and estimates the National Income of the country at about £800 million in 1956-7.

The statement says: "Our Governments wish to give every support to the principle of partnership between overseas and indigenous capital and skilled personnel. We prefer that where there are willing Nigerian investors they should be associated with new enterprises. Some public funds are available for investment in suitable enterprises seeking local participation. There will generally, however, be no rigid insistence on local participation but Governments may wish to share in the financing of certain large enterprises which have a special significance to the public." It adds that Governments will naturally especially value enterprises which are animated by the spirit of partnership and which make satisfactory arrangements for the employment, training and advancement of Africans. Prospective industrialists are advised to consider Nigeria as an economic unit and not as four separate economic units.

It is pointed out that there are not the same opportunities for fresh overseas capital and enterprises in the commercial sector of the economy, which is reasonably well served by existing African and Non-African enterprise. But overseas capital designed to expand trade facilities in those less developed parts of the three Regions and in the whole of the Southern Cameroons which are at present not adequately served in this respect would be welcomed. There is scope for commercial organizations dealing on a wholesale and distributive basis in technical goods, particularly those which call for highly skilled after-sales service.

Nigeria, as a member of the sterling area, does not anticipate any change in the situation whereby profits and dividends arising from sterling or non-sterling capital investment in approved projects may be freely transferred to the country of origin and such capital may be repatriated at will. The Governments have no plans for nationalizing industry beyond the extent to which public utilities are already nationalized, nor do they foresee any such proposals arising. Nevertheless, they are anxious that there should be no doubt in the minds of overseas entrepreneurs that Nigeria will provide adequate safeguards for the interests of investors in the event of any industry being nationalized in the future. Should this occur, the fair compensation, assessed by independent arbitration would be paid." (*Federal Nigeria*, August 1958.)

Ministers Resign:¹ New Party Formed

Dr. K. Ozuomba Mbadiwe, Federal Minister of Commerce and Industry, and Chief Kolawole Balogun, Federal Minister of Research and Information have resigned as members of the Council of Ministers. Mr. U. O. Ndem and Mr. O. Bademosi, Parliamentary Secretaries, have also resigned.

The Governor-General, acting on the recommendation of the Prime Minister, has appointed Zanna Bukar Dipcharima, Minister of State, to be Minister of Commerce and Industry, and Mr. Victor Mukete, Minister of State, to be Minister of Research and Information. It is not proposed to appoint any new Ministers.

Dr. Mbadiwe, Chief Balogun, Mr. Ndem and Mr. Bademosi are now members of the "N.C.N.C. Reform Committee" following their expulsions last month from the N.C.N.C.

Dr. K. O. Mbadiwe subsequently announced the formation of a new party—the Democratic Party of Nigeria and the Cameroons. He told a Press Conference that the new Party believed in a federal form of government for Nigeria based on socialist ideology. All who resigned with Dr. Mbadiwe are members of the Party.

Mr. Ndem said that the Democratic Party would press its demand for the introduction of free primary education in Eastern Nigeria, suspension of the proposed University of Nigeria and the nationalization of the Continental Bank. (*West Africa*, August 9, 1958.)

¹DIGEST VI, 1.

Sierra Leone

First Prime Minister Takes Office

THE Governor, Sir Maurice Dorman, invited Dr. M. A. S. Margai, previously Chief Minister, to take office as first Premier of Sierra Leone and to name other Ministers in the Executive Council under the new constitution.

In a message to the Legislative Council Mr. Lennox-Boyd said: "It gave me great pleasure to recommend to Her Majesty in Council that the proposals for constitutional change in the Executive submitted by your Government in March this year should be carried out. We can all look back with pride and a sense of real achievement at the progress made in so short a time in the transfer of responsible government to the fully elected representatives of Sierra Leone. The responsibilities of office are heavy, but I have watched with admiration the way that Ministers have shouldered them. I trust that the people of Sierra Leone may, over the next few years, enjoy a period of stability to enable them to build soundly on the foundations of good government and administration which have been constructed and that all members will contribute positively and constructively to this end."

The Ministers who will make up the Government of Sierra Leone under the leadership of Dr. Margai are:

Finance, Mrs. M. S. Mustapha; Mines, Lands, and Labour, Dr. J. Karefa-Smart; Communications, Mr. D. L. Sumner; Works and Housing, Mr. Kande Bureh; Trade and Industry, Mr. I. B. Taylor-Kamara; Education and Welfare, Mr. H. I. B. John; Health, Mr. Ngobeh; Natural Resources, Mr. A. J. Demby; Information, Mr. Y. D. Sesay; Minister without Portfolio, Paramount Chief R. B. S. Koker.

Mr. A. N. A. Waddell, formerly Chief Secretary, has been appointed Deputy Governor. (*The Times*, August 15, 1958.)

New Party Formed

Mr. Albert Margai, a younger brother of the new Prime Minister, who recently left the Sierra Leone People's Party, is forming a new party, the People's National Party.

Mr. Margai was Minister of Education and Welfare in the last Government. Other members of the new party are Mr. Siaka Stevens, formerly Minister of Mines, Land and Labour; Mr. A. J. Massaly, the Deputy Speaker of the House of Representatives; Mr. St. Navo, who was Chief Whip in the last Government, and Mr. G. B. O. Collier, a Freetown lawyer. (*The Times*, September 5, 1958.)

OTHER AFRICAN TERRITORIES

Belgian Africa

A Change at the Ministry

THE name of the Belgian Ministry of the Colonies has been changed by royal decree to "Ministry of the Belgian Congo and of Ruanda-Urundi". M. Petillon, the Minister, who until recently was Governor-General of the Belgian Congo, has announced a policy of decolonization, by which he intends that Belgium should act with regard to the Congo as if it were a colony in the process of becoming a country. In the Congo, M. Petillon has been succeeded by M. H. Cornelineo.

The Times (August 28, 1958) commented: "Compared with that in other dependent territories in Africa the demand for political progress in the Congo has been markedly restrained. That this urge for freedom has been expressed so pacifically is due to a number of causes, including the remarkable benefits that the Congolese African has gained from his association with Belgium and the country's lack of communications, which makes political organization difficult. But it would be wrong to assume that the

Congo is insulated from political movements altogether. Two years ago a spate of manifestos appeared which, though they have not apparently stimulated any marked chain reaction, have at least roused wide support among the urbanized Africans, who now form a high proportion of the population of the Congo. The first of these manifestos, which appeared in a journal called *Conscience Africaine*, called for a thirty-year time-table for progressive but total emancipation. The authors advocated the formation of a Congolese nation, composed of Africans and Europeans, and the manifesto protested vigorously against those who recognized no difference between the presence of Belgians in the Congo and their domination of the Congo. . . .

"M. Petillon has said that the gradual development of political organizations should pave the way to self-government."

French Africa

The Constitution and Africa

GENERAL DE GAULLE toured the French African Territories in August, explaining the principles of the draft constitution to the local populations and listening to their views.

The consultative committee set up to consider the draft proposed many amendments, particularly on the articles governing the relations between France and the overseas Territories. Among those serving on the committee were M. Gabriel Lisette, R.D.A. President of the Government of Tchad, M. Leopold Senghor and M. Lamine Guéye, the two principal leaders of the *Parti du Regroupement Africain* (P.R.A.), which held its first Federal congress at Cotonou, capital of Dahomey, in July. (At this congress, M. Djibo Bakary, Prime Minister of Niger Territory, was elected Secretary of the P.R.A.) (*West Africa*, July 26, August 2 and 16, 1958.)

West Africa (September 13, 1958) wrote: "Final text of the proposed new French constitution has recognized the right of overseas Territories to opt for independence; it thus incorporates the promises made by General de Gaulle during his . . . visit to Africa. . . . Territories which accept the constitution and opt to become members of the proposed Federal 'community' retain the right to leave that community and 'become independent'. Earlier versions of the constitution had not contained the word 'independent'. The constitution also permits agreements to be made between the 'community' and states 'which wish to associate with it in order to develop their civilizations'. This leaves the way open for a loose association between France and any overseas Territory which chooses independence. Internal autonomy is guaranteed to those who choose to join the community; the powers of the community are clearly defined and limited, and overseas members will be represented in (its) institutions. The constitution . . . also allows overseas Territories to group themselves into primary Federations.

"Many French African leaders have already expressed satisfaction with the new constitution. A number of R.D.A. leaders in Paris . . . signed a communiqué in which they agreed that General de Gaulle had met demands jointly put to him on July 18 by the R.D.A. and P.R.A. and certain other parties; M. Houphouët-Boigny has said that de Gaulle has made the Afro-French community realizable . . . M. D'Arboussier, R.D.A. President of the *Grand Conseil*, has said that the new constitution will guarantee both the African personality and French unity. . . .

"Both M. Senghor and M. Guéye have indicated that they approve the constitution, but have not yet said so unequivocally."

The referendum on the constitution will be held on September 28 both in France and in the French Overseas Territories. General elections for a new French National Assembly will probably be held in mid-October. (*West Africa*, August 16, 1958.)

Thomas Brady (*New York Times*, August 31, 1958) said: "Political prediction in Africa is even chancier than in other areas, but expert opinion is agreed that the referendum prospects range from sure to a very doubtful yes, more or less in the following order of Territories:

"The surest yes is the Ivory Coast, with 2,500,000 inhabitants. In a descending order of certainty, the rest are: Mauretania, 614,000; Tchad, 2,550,000; Gabon, 400,000; Oubangi-Shari, 1,100,000; Madagascar, 4,500,000; French Sudan, 3,600,000; Upper Volta, 3,300,000; Dahomey,

1,600,000; French Guinea, 2,400,000; Niger, 2,350,000; Senegal, 2,200,000. Serious doubts do not begin, in the view of most observers, until Dahomey. It should be noted that among this enormous African population there are fewer than 150,000 Europeans. The proportion greatly simplified de Gaulle's task in human terms. There is no real problem of abandoning Frenchmen."

The Government in Paris has transferred all the powers still exercised by the Governors as Presidents of the cabinets of French African territories to their African Vice-Presidents, creating, in effect, African Prime Ministers.

Following talks between the Minister for Overseas France, M. Cornut-Gentille, and the Prime Minister of the French Cameroons it was announced that France would give full autonomy to the territory pending the ending of its Trusteeship status. (*West Africa*, August 2 and 23, 1958.)

M. Sylvanus Olympio, Prime Minister of French Togoland, said that while he believed that federation with Ghana was possible the integration of the two Territories was "quite impossible"; he was opposed even to the integration of British Togoland with Ghana. He hoped that it would soon be possible to establish a customs union between Ghana and French Togoland. (*West Africa*, August 16, 1958.)

General

The Lambeth Conference¹

THE following were among the resolutions formally adopted by the Conference attended by Bishops of the Anglican Communion held at Lambeth Palace in London.

"The Conference . . . calls upon all Christians to encourage their Governments to respect the dignity and freedom of people within their own nations and the right of people of other nations to govern themselves.

"The Conference draws attention to the widespread poverty in many parts of the world; it notes with thankfulness the measures taken to help under-developed countries to become self-supporting, and calls upon Christians in more favoured lands to use their influence to encourage their Governments in the task of relieving poverty by a generous sharing of their material and technical resources with those in need. . . .

"The Conference affirms the need for strengthening the United Nations and to this end: (a) urges that serious consideration be given to the revision of its Charter, the more effective use of, and respect for, the existing processes of international justice, and to the creation of adequate means for enforcing its decisions; (b) commends wholeheartedly the work done under the aegis of the United Nations, whereby the skills and resources of member nations are made available for the benefit of the whole of humanity. . . .

"The Conference affirms its belief in the natural dignity and value of every man, of whatever colour or race, as created in the image of God. In the light of this belief the Conference affirms that neither race nor colour is in itself a barrier to any aspect of that life in family and community for which God created all men. It therefore condemns discrimination of any kind on the grounds of race or colour alone. (It) would urge that in multi-racial societies members of all races shall be allowed: (a) a fair and just share in the government of their country; (b) a fair and just share in the control, development, and rewards of the natural resources of their country, including advancement to the highest levels of attainment; (c) the right to associate freely in worship, in education, in industry, in recreation, and in all other departments of the common life. . . .

"The Conference, recognizing the family as the God-given unit of human life and society, condemns those systems of migratory labour that break up family life by enforcing the unjustified residential separation of man and wife, or of parents and children."

The Report of the Committee on the Reconciling of Conflicts between and within Nations said:

". . . The Committee believes that, if true partnership is to be achieved (in Central Africa), there must quickly be an end to many of the old ideas associated with patronage and even paternalism, and that the African should be allowed and encouraged to take a fair and just share in the government of the Federation and its constituent parts—not only a just

¹Conference Report, published S.P.C.K., London, 1958.

share but one seen to be just. Here, as elsewhere, the African can only become a responsible person by having responsibility. It is clear that considerable sacrifices will have to be made by both partners, and we would urge that nothing should be done by the British Government which would have the effect of enhancing the already powerful advantages of the White settlers over the Africans. . . .

"With the Church of the Province of South Africa the Committee condemns the injustices perpetrated against Non-White men and women in South Africa under the policy of *apartheid*. It holds that every citizen of South Africa of whatever race should have equal rights before the law; and that the Non-White should be given a fair and just share in the government of the nation of his birth and citizenship. It believes that, if the present pattern of multi-racial community is to continue, any form of *apartheid* is less just and righteous than a gradual and mutually enriching growth into responsible interdependence of all the races which now share this fertile and beautiful land. . . .

"Year by year the desire of the African (Christian and non-Christian alike) is deepened, and his determination strengthened, to manage his own affairs and to call Africa his own—one African people throughout the whole continent. His White fellow-African must become wise and humble enough to come to terms with him while there is still time to do so peacefully and justly. . . ."

Commonwealth Immigrants to Britain

The disturbances involving White and Coloured people in the Notting Hill district of London and in Nottingham have caused widespread concern and discussion about the causes of the outbreaks and how the situation can be met.

Some have advocated restriction on immigration along the lines of a motion tabled (but not debated) during the last session of Parliament by Mr. Norman Pannell (Conservative) who obtained the signature of about thirty Conservative and two or three Labour M.P.s. This expressed growing disquiet over "the continuing influx of indigent immigrants from the Commonwealth and colonies".

Lord Salisbury in a letter to *The Times* (September 2, 1958) said that he was "extremely apprehensive of the results, economic and social, for Europeans and Africans alike, that are likely to flow from an unrestricted immigration of men and women of African race into Britain".

Fr. Huddleston, C.R. described as "un-Christian" the reaction to the Nottingham disturbances of those who had immediately called for restrictive legislation. He said "colour prejudice and its evil results are not overcome by escapist policies".

Mr. P. H. Maurice of the Clerical and Administrative Workers Union, speaking at the T.U.C. Congress in Bournemouth said it would be a serious omission if Congress failed to show how concerned it was over the serious colour disturbances. The T.U.C. had always abhorred any sugges-

tion of racial discrimination and intolerances in other countries, but now "we have the problem on our own doorsteps although admittedly it may be on a different scale and have different roots". Sir Vincent Tewson said it was particularly hurtful to the trade union movement which had contacts with Coloured people in thirty-five overseas Territories to see "within our own shores this intolerance by a hooligan element".

The Executive of the AFRICA BUREAU in a letter to *The Times* (September 8, 1958) said: "Though there may have been instances of colour bar in Britain we have always been proud of the unique welcome given to all members of the Commonwealth and Colonies by the Mother Country. The restrictions on immigration now advocated by Lord Salisbury and others are a counsel of despair. From such reports as the police, local welfare bodies and responsible journalists have so far made it is clear that the causes of the riots go deep and are part of the very problem discussed by the British Association.

"Comment in the American Press should remind us of the leadership expected of Britain in the field of human relations. It is essential that Britain, with her long experience in race relations and her reputation for tolerance, should not be panicked into legislation that will undermine her ability to lead other countries in seeking a solution to these problems."

The affected areas have been visited by Mr. Norman Manley, the Chief Minister of Jamaica and Dr. Carl Lacorbiniere, the Deputy Prime Minister of the West Indian Federation, who subsequently met Mr. Lennox-Boyd.

A Government statement issued after consultations between the Prime Minister, the Home Secretary and the Commissioner of Police for the Metropolitan area said: "These incidents have an immediate and long term importance. The immediate aspect involves the maintenance of law and order. The Government and the authorities concerned wish to make it clear that the utmost strictness will be observed in the impartial enforcement of the law and in preventing the illegal carrying of offensive weapons. . . .

"As regards the wider aspects of policy, Her Majesty's Government has for some little time been examining the results of this country's time-honoured practice to allow free entry of immigrants from Commonwealth and Colonial countries. While this study of major policy and its implications and effects on employment will continue, Her Majesty's Government do not think it right to take long-term decisions except after careful consideration of the problem as a whole." (September 3, 1958.)

Dr. Azikiwe on his arrival from Nigeria said that if a change was made in the status of immigrants it would become a fundamental issue and Nigerians would not want to remain in a Commonwealth where they were second-class citizens. He added: "The British Commonwealth has always set an example of being liberal on this issue. I think that more than anything else this has been responsible for the survival of the Commonwealth." (*Daily Telegraph*, September 9, 1958.)

The Editor of the DIGEST does not necessarily endorse the views of correspondents

AFRICA BUREAU ACTIVITIES

At the end of July a delegation from Northern Rhodesia came to London to discuss provisions for a new constitution with the Colonial Secretary. Mr. Pascale Sokota and Mr. S. H. Chileshe, who, as African members of the Legislative Council were on the delegation, visited the Bureau on several occasions. A Press conference was arranged for them together with Mr. Harry Nkumbula, President-General of the N.R. African National Congress. Mr. Nkumbula visited London at the same time as the delegation in order to explain the views of Congress of which there was no representative on the delegation. The Press conference was well attended and most of the national newspapers reported it the following day, which indicates a growing public interest in Central African affairs.

In August Mr. J. D. Akumu of the Mombasa Dockworkers' Union came to London. The chief purposes of his visit was to consult with the Trade Unions Congress and to learn more about British trade union methods. But as Mr. Akumu pointed out many events in Kenya of a

social and political nature are taking place and these inevitably affect the work of trade unionists. He therefore asked the Bureau to arrange for him to meet people in Britain who are concerned with Kenya's problems. It is difficult to arrange meetings of any sort during August because so many people take their holidays and keep away from London then, but a Press conference was held and representatives of interested organizations attended a meeting which was addressed by Mr. Akumu, Mr. John Stonehouse, M.P. and Commander Fox-Pitt; the Rev. Michael Scott was in the Chair.

On his return from Bechuanaland Mr. Scott had talks with representatives of the Colonial Development Corporation and with Mr. C. J. M. Alport, Under-Secretary of State for Commonwealth Relations.

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